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ROYLANCE, ABRAMS, BERDO &
GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

JUL 26 2010

OFFICE OF PETITIONS

In re Application of :
Warren et al. :
Application No. 11/594,172 :
Filed: November 8, 2006 :
Attorney Docket No. 56579 :
Title: METHOD FOR DETERMINING :
THE IMMUNOGENICITY OF AN :
ANTIGEN :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b)" filed February 22, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is two hundred fifty-five (255) days, not two hundred twelve (212) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

The $200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

Anthony Knight
Director
Office of Petitions

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 07/08/2010

Applicant	: Gerard Cravero	: DECISION ON REQUEST FOR
Patent Number	: 7641447	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/594,192	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **577** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ONE FINANCIAL CENTER
BOSTON, MA 02111

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OFFICE OF PETITIONS

In re Application of	:	
Michael Robert Gluszczak, et al.	:	
Application No. 11/594,193	:	DECISION ON PETITION
Filed: November 8, 2006	:	
Attorney Docket No. 35678-627001US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 16, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 15, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1110 extension of time fee submitted with the petition on January 16, 2009

was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2875 for appropriate action by the Examiner in the normal course of business on the reply received January 16, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/594,193	11/08/2006	Michael Robert Gluszczak	35678-627001US

CONFIRMATION NO. 5057

POA ACCEPTANCE LETTER

30623
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000034737692

Date Mailed: 02/26/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/16/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

In re Application of	:	
Michael Robert Gluszczak, et al.	:	
Application No. 11/594,193	:	DECISION GRANTING PETITION
Filed: November 8, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 35678-627001US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 16, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2875 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

In re Application of :
Gluszczak et al. :
Application No. 11/594,193 : ON APPLICATION FOR
Filed: November 8, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. :
35678-627001US

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b) filed on December 16, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is one (1) day, not two hundred forty-four (244) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

The application for patent term adjustment is **GRANTED to the extent indicated**.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

To the extent that the instant application for patent term adjustment requests reconsideration of the PTA at the time of the mailing of the Notice of Allowance, the request is **GRANTED TO THE EXTENT INDICATED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is zero (0) days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On September 17, 2009, the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed. The patent term adjustment at the time of the mailing of the Notice of Allowance was 244 days (307 days of Office delay and 63 days of applicant delay). This application for patent term adjustment was timely filed with or prior to payment of the issue fee.[2]

Applicants disclose that an additional period of applicant delay of 154 days should be entered in connection with the reply and petition to revive filed on January 16, 2009, in response to the Office action mailed on May 15, 2008.

37 CFR 1.704(c)(3) states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of: (i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or (ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed.

[2] PALM records indicate that the issue fee was paid on December 16, 2009.

On May 15, 2008 a non-final Office action was mailed, setting a three (3) month period for reply. No extensions of time having been obtained, the application became abandoned on August 16, 2008. On January 16, 2008, a petition to revive the application was filed. On March 2, 2009, within four months of the date the petition was filed, a decision granting the petition to revive was mailed. Accordingly, entry of a period of reduction for applicant delay from August 16, 2008 to March 2, 2009, or 199 days, rather than 159 days, is warranted.

Applicants further disclose that the period of adjustment for Office delay for the Office action mailed on June 12, 2009, should be 27 days.

Applicants are correct. On January 16, 2009, a reply was filed. On June 12, 2009, four months and 27 days after the day after the date the reply was filed, an Office action was mailed. Therefore, the period of adjustment for Office delay of 179 days will be removed, and a period of adjustment of 27 days will be entered.

Further, a review of the record confirms that an additional period of reduction should be entered for applicant's failure to engage pursuant to 37 CFR 1.704(c)(10). A Notice of Allowance was mailed on September 17, 2009. Patentees filed a Request for Continued Examination (RCE) and IDS on December 23, 2009. Prior to filing the RCE, applicant paid the Issue Fee. This set the calculation of the period of reduction pursuant to 37 CFR 1.704(b), if any, for applicant delay. The filing of the RCE and IDS after the mailing of the Notice of Allowance on September 17, 2009 constituted a failure to engage pursuant to 37 CFR 1.704(c)(10). This period is 59 days, counting the number of days in the period beginning on December 23, 2009, and ending on February 19, 2010, the date of mailing of the Notice of Allowance in response. Therefore, an additional period of reduction of 59 days for applicant delay will be entered.

The patent term adjustment as of the mailing of the notice of allowance has been updated to 0 days (155 (128 + 27) days of Office delay and 321 (63 + 199 + 59) days of applicant delay).

The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Director
Office of Petitions

Encl: Updated PALM calculation

Day : Monday
Date: 5/17/2010

PALM INTRANET

Time: 14:55:15

PTA Calculations for Application: 11/594193			
Application Filing Date:	11/08/2006	PTO Delay (PTO):	307
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	63
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-258		

File Contents History

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83	01/21/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
82	01/21/2010	ISSUE REVISION COMPLETED			
81	01/21/2010	DOCUMENT VERIFICATION			
80	01/19/2010	NOTICE OF ALLOWABILITY			
79	12/23/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
78	12/23/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
77	01/14/2010	DISPOSAL FOR A RCE / CPA / R129			
76	12/23/2009	REFERENCE CAPTURE ON IDS			
75	12/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	12/28/2009	MAIL-RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE			
73	12/28/2009	RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE			
72	12/23/2009	PETITION ENTERED			
71	12/23/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
70	12/23/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
69	12/16/2009	ISSUE FEE PAYMENT VERIFIED			
68	12/16/2009	PETITION ENTERED			
67	12/16/2009	ISSUE FEE PAYMENT RECEIVED			
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64	09/17/2009	MAIL NOTICE OF ALLOWANCE			
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55	08/29/2009	DISPOSAL FOR A RCE / CPA / R129			
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50	08/06/2009	AMENDMENT AFTER FINAL REJECTION			
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48	06/11/2009	FINAL REJECTION			
47	10/17/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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45	01/16/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
44	01/16/2009	REFERENCE CAPTURE ON IDS			
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41	01/16/2009	NEW OR ADDITIONAL DRAWING FILED			
40	04/23/2009	DATE FORWARDED TO EXAMINER			
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38	03/31/2009	CASE DOCKETED TO EXAMINER IN GAU			
37	03/02/2009	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
36	03/02/2009	PETITION TO REVIVE APPLICATION - GRANTED			
35	02/26/2009	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
34	02/25/2009	CORRESPONDENCE ADDRESS CHANGE			

33	01/16/2009	PETITION ENTERED			
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19	03/14/2008	CASE DOCKETED TO EXAMINER IN GAU			
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8	11/27/2006	APPLICATION RETURN FROM OIPE			
7	11/27/2006	APPLICATION RETURN TO OIPE			
6	11/27/2006	APPLICATION DISPATCHED FROM OIPE			
5	11/28/2006	APPLICATION IS NOW COMPLETE			
4	11/21/2006	CLEARED BY L&R (LARS)			
3	11/20/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
2	11/16/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/08/2006	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MOUNTAIN VIEW CA 94041

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OFFICE OF PETITIONS

Application No. 11/594,255 (formerly 29/248,134)
Filed: July 30, 2006
Attorney Docket No. 24772-11924

ON PETITION

This is a decision on the petition filed September 28, 2006 requesting conversion of Application No. 29/248,134 to a utility application under 37 CFR 1.182.

The petition under 1.182 is **GRANTED**.

The above-identified application was filed on July 30, 2006. Petitioner states that the incorrect application type was accidentally and unintentionally checked when filing the application electronically. The Electronic Acknowledgement Receipt also reflects this mistake by identifying the application type as a design application. Substantively, the application, as filed, was a utility application; that is, the specification was arranged in accordance with 37 CFR 1.77(b) and includes more than one claim pursuant to 37 CFR 1.75(b).

In light of the above evidence, Design Application No. 29/248,134 has been converted to Utility Application No. 11/594,255. Please refer to U.S. Application No. 11/594,255 in all future correspondence with the Office as stated in the Notice of Corrected Application Number mailed on November 9, 2006.

Telephone inquiries should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

Grigoriy Mogilevskiy
128 South Ogden Ave.
Columbus OH 43204

COPY MAILED

JAN 16 2008

OFFICE OF PETITIONS

In re Application of :
Grigoriy Mogilevskiy : DECISION ON PETITION
Application No. 11/594,262 :
Filed: November 8, 2006 :
Title: REMOTE CONTROLLED :
OVERHEAD GARAGE DOOR LOCKING :
MECHANISM :

This is in response to the paper styled "Petition to Withdraw the Holding of Abandonment" filed August 24, 2007 (and resubmitted October 25, 2007; November 9, 2007; and December 1, 2007). The petition is being treated under 37 CFR 1.181.

The above-identified application became abandoned for failure to timely file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed November 27, 2006. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). The period for reply having expired on January 27, 2007, with no reply filed and no extension of time obtained, the above-identified application became abandoned on January 28, 2007. A courtesy Notice of Abandonment was mailed on August 1, 2007.

In response, applicant timely filed the instant petition. Applicant states that upon receiving the Notice of Abandonment, he immediately called the Office and let them know that he had never received the notice mailed November 27, 2006. Applicant further states that "they" said that by mistake they have never sent it to me, but they were going to. He waited 4 weeks and then called again and then filed the petition.

The application record has been carefully reviewed, and it is determined that withdrawal of the holding of abandonment is not warranted. The application properly became abandoned for failure to file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed November 27, 2006. Applicant has not submitted sufficient evidence to overcome this conclusion.

The law, 35 USC 133, provides that

> Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.
>
> (Amended Nov. 29, 1999, Public Law 106-113, sec. 1000(a)(9), 113 Stat. 1501A-582 (S. 1948 sec. 4732(a)(10)(A)).)

Pursuant to 35 USC 133, the Office must regard the application as abandoned upon failure of the applicant to timely prosecute the application. There is no dispute that a timely response was not filed.

Rather, applicant alleges non-receipt of the Notice. A review of the application file reveals no significant irregularities in the mailing of the Notice mailed November 27, 2006. The paper may have been originally scanned into the image file wrapper for application No. 11/595,262. Nonetheless, the paper was properly addressed to applicant at the correspondence address of record. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication

would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. Applicant has not submitted evidence to support a showing of non-receipt.

In view thereof, the petition under § 1.181 is **DISMISSED**.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Once it is determined that the application was properly abandoned, as it was in this instance, the circumstances of the abandonment are not relevant to the issue of withdrawal of the holding of abandonment. A proper abandonment will not be withdrawn. The circumstances of the abandonment may be considered on petition to revive. Payment of the petition fee, which is currently $770 for a small entity and $1540 for a large entity, is a statutory prerequisite to consideration of the petition under 37 CFR 1.137. In other words, without payment of the fee, the petition under 37 CFR 1.137 will not be considered.

Alternatively, applicant is not precluded from seeking revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. Any general questions regarding the filing of a petition to revive may be directed to the Office of Petitions Helpdesk at 571-272-3282 (M-F, 8:30am - 5:00 pm (EST).

For applicant's convenience, a copy of the NOTICE TO FILE CORRECTED APPLICATION PAPERS is enclosed.

Petitioner is reminded to refer to this application as application No. **11/594,262** in all communications to the Office.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: copy of NOTICE TO FILE CORRECTED APPLICATION PAPERS

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/594,262	11/08/2006	Grigoriy Mogilevskiy	

CONFIRMATION NO. 5195

Grigoriy Mogilevskiy
128 South Ogden Ave.
Columbus, OH 43204

FORMALITIES LETTER

Date Mailed: 11/27/2006

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement claim(s) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and 1.121 is required. Claims must be consecutively numbered and the same claim number cannot be used for more than one claim. See 37 CFR 1.126.
- A replacement abstract commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Copied from 11594262 on 12/20/2006

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 3 - OFFICE COPY

Copied from 11592262 on 12/20/2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

Paper No.

Grigoriy Mogilevskiy
128 South Ogden Ave.
Columbus OH 43204

COPY MAILED
MAR 25 2008
OFFICE OF PETITIONS

In re Application of :
Grigoriy Mogilevskiy : DECISION ON PETITION
Application No. 11/594,262 :
Filed: November 8, 2006 :
Title: REMOTE CONTROLLED :
OVERHEAD GARAGE DOOR LOCKING :
MECHANISM :

This is in response to the paper styled "Petition to Revive the Application" filed February 7, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned effective January 28, 2007 for failure to timely file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed November 27, 2006. A courtesy Notice of Abandonment was mailed on August 1, 2007.

By decision mailed January 16, 2008, an initial "Petition to Withdraw the Holding of Abandonment" filed August 24, 2007 (and resubmitted October 25, 2007; November 9, 2007; and December 1, 2007) was dismissed. Applicant alleged, but did not submit an adequate showing of non-receipt of the Notice. Nor did a review of the record support a conclusion of non-receipt, or otherwise that withdrawal of the holding of abandonment was warranted.

In response, applicant timely filed the instant petition. The petition includes the required reply in the form of a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS, payment of the petition fee set forth in 37 CFR § 1.17(m), and a statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement

that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." The statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3). The statement is being construed as the required statement.

The application file is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed February 7, 2008.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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AGENSYS C/O MORRISON &
FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

COPY MAILED
MAR 15 2010

In re Patent No. 7,582,448	:	DECISION ON REQUEST
Jakobovits et al.	:	FOR RECONSIDERATION OF
Issued: September 1, 2009	:	PATENT TERM ADJUSTMENT
Application No. 11/594,275	:	AND NOTICE OF INTENT TO
Filed: November 7, 2006	:	ISSUE CERTIFICATE OF
Atty. Docket No. 511582000110	:	CORRECTION

This letter is in response to the "LETTER TO THE PATENT OFFICE," filed November 2, 2009. Pursuant to patentees' duty of good faith and candor to the Office, patentees request confirmation of the issuance of a patent term adjustment of 268 days.

The request for review of the determination of patent term adjustment (PTA) is **granted**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **two hundred sixty (260)** days.

Patentees are given THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer, from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

On September 1, 2009, the above-identified application matured into U.S. Patent No. 7,582,448, with a revised patent term adjustment of 268 days. On November 2, 2009, patentees submitted the instant request. Patentees assert the patent term for the application may be longer than appropriate because the Office's calculations do not take into account the delay associated with the filing of a Supplemental Information Disclosure Statement (IDS) on November 11, 2008.

A review of the patent term adjustment calculations for the above-identified application reveals that the Office failed enter a reduction for an IDS filed on November 11, 2008. After applicants filed a reply on November 3, 2008, to a non-final Office action, applicants submitted a supplemental reply or paper in the form of an IDS on November 11, 2008. The record does not support a conclusion that the examiner expressly requested the filing of the IDS. Further, a review of the IDS, filed November 11, 2009, reveals that applicants did not include a statement under 37 CFR 1.704(d).[1] Thus, applicants failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment should have been reduced by 8 days pursuant to 37 CFR 1.704(c)(8), counting the number of days beginning on the day after the date the initial reply was filed, November 4, 2008, and ending on the date that the IDS was filed, November 11, 2008. Accordingly, a period of reduction of 8 days will be entered.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of two hundred sixty (260) days (270 days Office delay minus 10 days Applicant delay).

As this letter was submitted as an advisement to the Office of an error in patentees' favor, the Office will not assess the $200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred sixty (260)** days.

---

[1] Pursuant to 37 CFR § 1.704(d):

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,582,448 B2

DATED : **September 1, 2009** **DRAFT**

INVENTOR(S) : Jakobovits, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 268 days

Delete the phrase "by 268 days" and insert – by 260 days--

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Craig Grant et al.	:	
Application No. 11/594,280	:	DECISION ON PETITION
Filed: November 7, 2006	:	TO WITHDRAW
Attorney Docket No. **070545-1301**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos, CA 94022

Mail Date: 04/21/2010

Applicant	: Craig Grant	: DECISION ON REQUEST FOR
Patent Number	: 7598276	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/594,280	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,303	11/08/2006	Gerald Charles Tustin	80335 US05	5050

7590 02/18/2009

MICHAEL K. CARRIER
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT, TN 37660-5075

EXAMINER
KILIMAN, LESZEK B

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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Adjustment Date: 02/18/2009  BPOWELL
11/13/2006 JBALINAN 00000002 050221   11594303
02 FC:1111        500.00 CR
04 FC:1201        600.00 CR
05 FC:1202       6500.00 CR
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Adjustment date: 02/18/2009  BPOWELL
11/13/2006 JBALINAN 00000002 050221   11594303
02 FC:1111        500.00 CR
04 FC:1201        600.00 CR
05 FC:1202       6500.00 CR
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FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 22 2010

OFFICE OF PETITIONS

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

In re Application of	:	
David Gorodyansky	:	
Application No. 11/594,306	:	DECISION ON PETITION
Filed: November 7, 2006	:	TO WITHDRAW
Attorney Docket No. CA1549	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2009.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Attorney prosecuting the application has changed firms," do not appear to meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Pavel I. Pogodin, Esq.
Haynes and Boone
2033 Gateway Place, Suite 400
San Jose, CA 95110

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Alexandria, VA 22313-1450
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OBER, KALER, GRIMES & SHRIVER
120 EAST BALTIMORE STREET
BALTIMORE, MD 21202-1643

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APR 05 2007
OFFICE OF PETITIONS

In re Application of	:	
Tousimis, Anastasios	:	
Application No. 11/594,336	:	ON PETITION
Filed: November 7, 2006	:	
Attorney Docket No. 028038.078315	:	

This is a decision on the petition under 37 CFR 1.10(d), filed January 24, 2007, requesting that the above-identified application be accorded a filing date of November 6, 2006, rather than the presently accorded date of November 7, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to Technology Center AU 1656 with the presently accorded filing date of November 7, 2006.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence

as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 6, 2006, pursuant to the requirements of 37 CFR 1.10. In support, petitioner has submitted a copy of the "Express Mail" mailing label, a return postcard receipt and a Declaration from Dimitri Michel.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3). In this regard, petitioner has not submitted the evidence necessary to establish that the package at issue was deposited by Express Mail on November 6, 2006. The declaration submitted with the petition is not considered to be evidence that came into being within one business day and is, at best, a conclusion not based on facts in evidence. As noted above, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." The declaration submitted is not the type of evidence required by 37 CFR 1.10(d) to establish the date of deposit of the package in question by Express Mail. The evidence does establish that the package in question was given a "date-in" of November 7, 2006, and that is the date accorded to this application.

Petitioner is advised that correspondence should be deposited with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked. Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail" drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked.

Accordingly, petitioner has not met the showing required under 37 CFR 1.10(d)(3).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attn: Office of Petitions
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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120 EAST BALTIMORE STREET
BALTIMORE, MD 21202-1643

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OFFICE OF PETITIONS

In re Application of	:	
Tousimis, Anastasios	:	
Application No. 11/594,336	:	ON PETITION
Filed: November 7, 2006	:	
Attorney Docket No. 028038.078315	:	

This is a decision on the petition under 37 CFR 1.183, which is being treated as a renewed petition under 37 CFR 1.10(d), filed June 5, 2007, requesting that the above-identified application be accorded a filing date of November 6, 2006, rather than the presently accorded date of November 7, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Initial Patent Examination with the presently accorded filing date of November 7, 2006.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 6, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by:

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition still lacks item (3). Petitioner has provided a copy of the Lobby's Attendant's Daily Activity Report, dated November 6, 2006, which lists a U.S. Post Office Pickup at 5:45p.m. However, the document does not provide any evidence that the package in question, Express Mail Package No. EV240986304US, was a part of the 5:45p.m. pickup. The document does not provide any information, as listed above, such as the "Express Mail" number, the application number, attorney docket number or other such file identification number.

Petitioner requests that the rules under 37 CFR 1.10(d) be suspended. However, petitioner has not provided any reason or just cause to suspend the rules. Accordingly, the request is denied.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:	Mail Stop PETITION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 Attn: Office of Petitions
By hand:	U. S. Patent and Trademark Office Customer Service Window, Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314

Liana Walsh
Petitions Examiner
Office of Petitions

LOBBY ATTENDANT'S DAILY ACTIVITY REPORT

Date: Mon. 10-6-06 Shift: From 4:00 PM. To 12:00 AM

Building: SunTrust Bldg.

TIME	
4:00	L. Burrell on Duty - Keys and Equipment Accounted
	For (8 Keys and 3 Key Cards Present at Front Desk)
	Fire System Panel Reads: 'Trouble - Trbl = 1'
	25th Fl. Signal Circuit - Open Ckt Trouble
4:10	Otis Elevator (Mike) Returned Key #17 and
	Key Card #1
4:50	Outside Canopy Lights Turned On
	Joe Returned Key Card #4
5:05	Det Forwarded Phones to Front Desk
5:30	Housekeeping Arrived - Given Key #1
	Elevator #2 Not in Service (Low Rise)
5:40	State Pension Mail Pick-Up
→ 5:45	Fed. Ex. (1st x) Pick-Up - U.S. Post Office Pick-Up
5:55	Eastern Connection Pick-Up
6:00	Elevator Phones Tested
:50	Fed. Ex. (Final) Pick-Up - Schedule Ex. Pick-Up
6:55	DHL Pick-Up
7:00	Front Doors Locked (3 of 4)
7:10	Loading Dock Door Closed
8:15	U.P.S. Pick-Up
9:50	Housekeeping Left - Key #1 Returned
10:00	Falcon Ex. Arrived - Parking Garage Lights
	Turned Out
12:00	Received By Michelle

Submitted by: [illegible]

TOTAL P.02

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OCT 09 2009

OFFICE OF PETITIONS

Dorsey & Whitney LLP
US Bank Center
1420 Fifth Avenue
Suite 3400
Seattle, WA 98101-4010

In re Application of	:	
Frank Chu, et al.	:	
Application No. 11/594,366	:	DECISION ON PETITION
Filed: November 7, 2006	:	TO WITHDRAW
Attorney Docket No. 187233/US/2/MSS (479043-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 14, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Edward N. Bachand on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed June 5, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

T. Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Essentel, Inc.**
20889 Greenleaf Drive
Cupertino, CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/594,366	11/07/2006	Frank Chu	187233/US/2/MSS (479043-1

CONFIRMATION NO. 5230

POWER OF ATTORNEY NOTICE

OC000000038209768

75149
Dorsey & Whitney LLP
US Bank Center
1420 Fifth Avenue
Suite 3400
Seattle, WA 98101-4010

Date Mailed: 10/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/14/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Intervet/Schering-Plough
Animal Health
Patent Dept. K-6-1, 1990
2000 Galloping Hill Road
Kenilworth NJ 07033-0530

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FEB 01 2010

In re Application of	:	
Schapp, et al.	:	
Application No. 11/594,367	:	ON APPLICATION FOR
Filed: November 7, 2006	:	PATENT TERM ADJUSTMENT
Docket No. I-1998.407 US D3	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705, filed November 2, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is five hundred fifty-nine (559) days[1], not three hundred eighty-eight(388) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

[1] This calculation is based on a projected issuance date of April 27, 2010.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

---

[2] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,409	11/08/2006	Chester Wayne Sink	80335 US06	5442

7590 02/18/2009

MICHAEL K. CARRIER
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT, TN 37660-5075

EXAMINER
HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

```
Adjustment Date: 02/18/2009  BPOWELL
11713/2006 DEMMANU1 00000001 050221   11594409
02 FC:1111        500.00 CR
05 FC:1201        600.00 CR
06 FC:1202       2850.00 CR
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Adjustment date: 02/18/2009  BPOWELL
11713/2006 DEMMANU1 00000001 050221   11594409
02 FC:1111        500.00 CR
05 FC:1201        600.00 CR
06 FC:1202       2850.00 CR
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BARRY W. CHAPIN, ESQ.
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE, SUITE 280
WESTBOROUGH, MA 01581

Mail Date: 04/29/2010

Applicant	: Judson S. Leonard	: DECISION ON REQUEST FOR
Patent Number	: 7660270	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/594,416	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **519** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

In re Application of :
Sara S. Hadida Ruah, et al. :
Application No. 11/594,431 : ON PETITION
Filed: November 8, 2006 :
Attorney Docket No. VPI/05-160 US :

This is a decision on the petition under 37 CFR 1.137(b), filed by September 4, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed November 30, 2006. The notice set a two-month period to respond and required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(e). A Notice of Abandonment was mailed on August 1, 2007. In response, on September 4, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and the $130 surcharge; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed September 4, 2007.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

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OFFICE OF PETITIONS

In re Application of

ZHOU, Peng et al.
Application No. 11/594,444
Filed: November 08, 2006
Attorney Docket No. **103310-P01-004**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 21, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, all patent prosecution work has been transferred, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **BOND SCHOENECK &KING, PLLC**
ATTN: WILLIAM GREENER
10 BROWN ROAD
SUITE 201
ITHACA, NY 14850-1248

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OFFICE OF PETITIONS

LAW OFFICES OF THOMAS E. SCHATZEL, P.C.
FAIRMONT PLAZA
SUITE 1300
50 W. SAN FERNANDO STREET
SAN JOSE, CA 95113

In re Patent No. 7,495,609	:	
Issue Date: February 24, 2009	:	
Application No. 11/594,521	:	NOTICE
Filed: November 9, 2006	:	
Attorney Docket No. SS-746-14	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 27, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

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OFFICE OF PETITIONS

In re Application of	:	
Acker, Phillip F. Jr.	:	DECISION ON PETITION
Application No. 11/594,526	:	TO WITHDRAW
Filed: November 7, 2006	:	FROM RECORD
Attorney Docket No. ACKRP003	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Request for Withdrawal cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 to supply practitioner's reasons.

Finally, the Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is,

in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, requesting to withdraw all the attorneys/agents of record without providing the appropriate Customer Number is not the appropriate course.

All future communications from the Office will continue to be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The instant application will issue into a patent on August 25, 2009.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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ERIC C. COLE
BAKER, MANOCK & JENSEN
STE. 421
5260 N. PALM AVE.
FRESNO, CA 93704

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OFFICE OF PETITIONS

In re Application of :
Timothy P. Sheehan :
Application No. 11/594,527 : ON PETITION
Filed: November 8, 2006 :
Attorney Docket No. 15697.0001 :

This is a decision in response to the petition, filed October 23, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 8, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 9, 2008. A Notice of Abandonment was subsequently mailed on December 2, 2008.

The petition is **DISMISSED.** The petition appears to be filed by a patent practitioner acting in a representative capacity; however, the petition does not set forth petitioner's correct registration number.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a Representative capacity under the provisions of § 1.34(a);

* * *

37 CFR 1.34 states:

> "When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with 37 CFR 1.137(b) since it lacks item (3).

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. Therefore, the statement of unintentional delay in an improperly filed petition cannot be accepted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERIC C. COLE
BAKER, MANOCK & JENSEN
STE. 421
5260 N. PALM AVE.
FRESNO, CA 93704

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of
Timothy P. Sheehan
Application No. 11/594,527
Filed: November 8, 2006
Attorney Docket No. 15697.0001

ON PETITION

This is a decision in response to the renewed petition, filed February 3, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed April 8, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 9, 2008. On October 23, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 30, 2009. In response, on February 3, 2009, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Eric C. Cole appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 1661 for appropriate action by the Examiner in the normal course of business on the reply received October 23, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ERIC C. COLE
BAKER, MANOCK & JENSEN
STE. 421
5260 N. PALM AVE.
FRESNO, CA 93704

In re Application of :
Timothy P. Sheehan :
Application No. 11/594,528 : ON PETITION
Filed: November 8, 2006 :
Attorney Docket No. 15697.0001 :

This is a decision in response to the petition, filed October 23, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 5, 2008. A Notice of Abandonment was subsequently mailed on December 12, 2008.

The petition is **DISMISSED**. The petition appears to be filed by a patent practitioner acting in a representative capacity; however, the petition does not set forth petitioner's correct registration number.

37 CFR 1.33 (b) states that:

Amendments and other papers filed in the application must be signed by:

(1) An attorney or agent appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a Representative capacity under the provisions of § 1.34(a);

* * *

37 CFR 1.34 states:

> "When a patent practitioner acting in a representative capacity appears in person or signs a paper in practice before the United States Patent and Trademark Office in a patent case, his or her personal appearance or signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the law, he or she is authorized to represent the particular party on whose behalf he or she acts. In filing such a paper, the patent practitioner must set forth his or her registration number, his or her name and signature. Further proof of authority to act in a representative capacity may be required."

Further, a grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not comply with 37 CFR 1.137(b) since it lacks item (3).

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. Therefore, the statement of unintentional delay in an improperly filed petition cannot be accepted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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FRESNO, CA 93704

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OFFICE OF PETITIONS

In re Application of
Timothy P. Sheehan
Application No. 11/594,528
Filed: November 8, 2006
Attorney Docket No. 15697.0001

ON PETITION

This is a decision on the renewed petition, filed February 4, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed April 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 5, 2008. On October 23, 2008, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed by a decision mailed January 30, 2009. In response, on February 4, 2009, the present petition was filed. It is noted that a duplicate petition was filed on March 27, 2009.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Eric C. Cole appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 1661 for appropriate action by the Examiner in the normal course of business on the response received October 23, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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JUN 16 2010

OFFICE OF PETITIONS

Norris, Braden, Melton & Gregersen, P.L.L.C.
Suite 305
1901 Pennsylvania Avenue
Washington DC 20006

In re Application of	:	
Fields et al.	:	
Application No.: 11/594561	:	ON PETITION
Filing or 371(c) Date: 11/08/2006	:	
Title of Invention:	:	
DATA LOGGING WITH NETWORK	:	
INTERFACING FEATURE	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed March 16, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed May 27, 2009. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on August 28, 2009. A Notice of Abandonment was mailed December 4, 2009.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center Art Unit 2441 for processing of the Amendment filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

CC: Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451

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COMMISSIONER FOR PATENTS
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Paper No. None

DAVIS WRIGHT TREMAINE, LLP
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of :
Michael Kahn et al. :
Application No. 11/594,575 :
Filed: November 8, 2006 :
Attorney Docket No.: 67648-20 :
Title: ALPHA-HELIX MIMETICS AND :
METHODS RELATING TO THE :
TREATMENT OF FIBROTIC DISORDERS

DECISION ON PETITION UNDER 37 C.F.R. § 1.182

This is a decision on the petition filed February 7, 2007, requesting that the above-identified application, including Figures 4N - 4U and 26D, be accorded a filing date of November 8, 2006 as part of the original disclosure.

The application was deposited on November 8, 2006. However, on December 12, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants, *inter alia*, that Figures 4N - 4U and 26D appeared to have been omitted on filing. The notice set a two-month period of reply.

In response, on February 7, 2007, applicants filed the present petition. The petition is further accompanied by, *inter alaia*, a copy of Figures 4N - 4U and 26D, along with a copy of applicants' postcard receipt acknowledging receipt of "Drawings (Figs. 1-26, 312 pages)" in the United States Patent and Trademark Office (Office) on November 8, 2006. Applicants request that Figures 4N - 4U and 26D be accorded a filing date of November 8, 2006.

Upon review of the electronic file, 316 sheets of drawings, containing Figures 1A - 2E, 2G - 4M, 4V - 26C, and 26E. It is

noted that the submission contain two figures labeled 2E, and no figure labeled as 2F. Figures 4N - 4U and 26D have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 8, 2006 included drawing sheets containing Figures 4N - 4U and 26D, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including Figures 4N - 4U and 26D, was complete on filing and entitled to a filing date of November 8, 2006 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed December 12, 2006 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account in due course.

OIPE will be advised to process the application with a filing date of November 8, 2006, using the original application papers filed on that date, as well as Figures 4N - 4U and 26D submitted on November 30, 2006, and for noting in Office records that the sheets containing Figures 4N - 4U and 26D were present on filing.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted.

A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application.

For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: DAVIS WRIGHT TREMAINE, LLP
2600 Century Square
1501 Fourth Avenue
SEATTLE WA 98101-1688

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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PETER A. SHADDOCK II
BOWMAN GREEN
HAMPTON & KELLY, PLLC
501 INDEPENDENCE PARKWAY, SUITE 201
CHESAPEAKE VA 23320-5173

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SEP 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Bentley	:	
Application No. 11/594,578	:	DECISION
Filed: 9 November, 2006	:	
Attorney Docket No. 729-249	:	

This is a decision on the petition filed on 5 June, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 25 September, 2008, with reply due absent extension of time on or before Monday 29 December, 2008—Thursday and Friday, 25 and 26 December, 2008, having been federal holidays.

The application went abandoned by operation of law after midnight 25 December 2008.

The Office mailed the Notice of Abandonment on 1 April 2009.

It appears that under an Interview Summary of 28 November, 2008, the Examiner withdrew the finality of the 25 September, 2008, Office action.

On 5 June, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of an amendment, and made a statement of unintentional delay.

(The request and fee for extension of time filed after expiration of the statutory period of reply are not proper. The fee will be refunded. Should Petitioner later find that the fee has not been refunded, Petitioner should file a request with the Office of Finance and submit with it a copy of this decision.)

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3641 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AUin response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle WA 98101

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Sinha et al.	:	
Application No. 11/594690	:	DECISION DISMISSING
Filed: 11/07/2006	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
VOLTAGE AND TEMPERATURE	:	
COMPENSATION DELAY SYSTEM	:	
AND METHOD	:	

This is in response to the Petition Under 37 CFR § 1.47(b), filed May 1, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 7, 2006, without an executed oath or declaration. In response, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") on November 27, 2006, requiring, *inter alia*, a fully executed oath or declaration.

In response to the Notice, Applicant files the present petition; unexecuted oath/declaration, and Statement of Facts in Support of the Petition (Statement of Facts). The petition asserts that the nonsigning inventors were under a contractual obligation to assign their rights in and to any inventions developed during their employment to Micron Technology, Inc. (Micron) No copies of an executed assignment or an employment agreement have been filed with the petition. The

Statement of Facts provides, in relevant part, that the Declaration and Assignment were sent to the new address of inventor Sugato, but returned as undeliverable.

Applicable Law

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks items (1), (2) and (5) as set forth above.

As to item (1), where an express refusal to join in the application is alleged, the MPEP provides:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Here, upon receiving a new address of inventor Sugato, the Declaration and Assignment were sent to the new address, but returned as undeliverable. The application should be mailed to the last known address of the inventor[1].

---

[1] Applicant is advised that rule 47(a) provides for two separate and distinct situations wherein an Applicant may proceed with an application without the signature of one or more inventors, provided one or more inventors have executed the oath/declaration. The first situation is when the whereabouts of an inventor are known. Applicant must send the application to the last known address of the nonsigning inventor. Failure to respond may be construed as a constructive refusal to join in an application after having been presented with the application papers. The second situation is where, after diligent effort, an inventor cannot be found or reached. Applicant must demonstrate diligent effort, including internet searches and searches of the local telephone directories of where the nonsigning inventor was last known to reside. Copies of the searches should be included and referred to in the petition.

Here, Applicant asserts that the whereabouts of the nonsigning inventor are known. Applicant must send a copy of the application to the last known address of the nonsigning inventor.

As to item (2), the oath/declaration is unexecuted.

The MPEP provides the following:

> The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

An oath or declaration that lists the full name, residence, post office address, and citizenship of the nonsigning inventor; is executed by a person with the authority to do so, and includes the title or position of the person signing, is required.

As to item (5), Applicant failed to show or provide proof that Micron, or anyone other than the inventor(s), has sufficient proprietary interest in the subject matter to justify the filing of the application (*see* MPEP 409.03(f)). Acceptable proof would include a copy of an assignment of the invention by the inventor to the Rule 47(b) applicant; a copy of proof that the inventor has agreed in writing to assign the invention to the applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that
> (A) the invention has been assigned to the applicant, or
> (B) the inventor has agreed in writing to assign the invention to the applicant, or
> (C) <u>the applicant otherwise has sufficient proprietary interest in the subject matter</u>

to justify the filing of the application. (Emphasis supplied).

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). An assignment to a 37 CFR 1.47(b) applicant for the sole purpose of obtaining a filing date for a 37 CFR 1.47(b) application is not considered an assignment within the meaning of 35 U.S.C. 118 and 37 CFR 1.47(b).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. (Emphasis supplied).

MPEP 409.03(f).

Absent a copy of an assignment, or a copy of proof that the inventor has agreed in writing to assign the invention to the applicant, Applicant must provide a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle WA 98101

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NOV 0 9 2007

OFFICE OF PETITIONS

In re Application of Sinha et al. Application No. 11/594690 Filed: 11/07/2006 Title of Invention: VOLTAGE AND TEMPERATURE COMPENSATION DELAY SYSTEM AND METHOD	: : : : : : :	DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This Decision is in response to the "Response to Decision Dismissing Petition," filed October 3, 2007. The petition is properly treated under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Sugato Mukherjee, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 09 2007

OFFICE OF PETITIONS

MR. SUGATO MUKHERJEE
10010 SCRIPPS VISTA WAY #69
SAN DIEGO, CA 92131

In re Application of	:	
Sinha et al.	:	
Application No. 11/594690	:	LETTER
Filed: 11/07/2006	:	
Title of Invention: VOLTAGE AND	:	
TEMPERATURE COMPENSATION DELAY	:	
SYSTEM AND METHOD	:	

Dear Mr. Mukherjee:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: Edward W. Bulchis, Esq.
DORSEY & WHITNEY LLP
Suite 3400
1420 Fifth Avenue
Seattle WA 98101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-08

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

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OCT 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Steigerwald et al.	:	DECISION ON PETITION
Application Number: 11/594691	:	TO WITHDRAW HOLDING OF
Filing Date: 11/08/2006	:	ABANDONMENT
Attorney Docket Number: FRM-04202	:	

This is a decision on the petition, filed on October 10, 2008, to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to timely submit a reply to the non-final Office action mailed on March 21, 2008, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on September 30, 2008.

Petitioners assert that a response to the non-final Office action was in fact timely filed. In support of the petition, petitioner submitted a duplicate copy of a reply bearing a certificate of mailing dated September 22, 2008.

Upon review, petitioners' reply filed on September 25, 2008 (certificate of mailing date September 22, 2008),[1] has been located in the Official file. As such, the showing of record is that a timely reply was filed in response to the non-final Office action mailed on March 21, 2008.

Accordingly, there is no abandonment in fact.

The Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

The petition is **GRANTED**.

[1] As September 21, 2008 fell on a Sunday, the reply filed on September 22, 2008, was timely filed. 37 CFR 1.7.

The application file will be referred to Technology Center Art Unit 2881 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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JAN 25 2008

OFFICE OF PETITIONS

In re Application of :
William J. Cassarly et al :
Application No. 11/594,692 : ON PETITION
Filed: November 8, 2006 :
Attorney Docket No. OPTRES.057A2

This is a decision on the petition, filed January 23, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 3, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/4/08

TO SPE OF : ART UNIT 2874 Le Uyen Chau

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/594692 Patent No.: 7366393

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The corrections proposed in the Certificate of Correction filed 10/2/2008 are approved, as said corrections address and remedy formal matters such as typographical and grammatical errors, and said corrections do not introduce new matter nor do said corrections alter the scope or meaning of the claims.

/UYEN-CHAU N LE/ — **SPE**

2874 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,767	11/09/2006	Eun-Bae Lee	Q97817	7220

7590 05/26/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HANNETT, JAMES M

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
05/26/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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Adjustment date: 05/24/2010  KKING1
11/13/2006 LWONDIM1 00000010 11594767
02 FC:1111                    -500.00 OP
04 FC:1202                    -200.00 OP
05 FC:1201                    -200.00 OP


Repln. Ref: 05/24/2010 KKING1   0011430500
DA#:194880   Name/Number:11594767
FC: 9204                     $900.00 CR
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FORM PET651G (Rev. 08/07)

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Alexandria, VA 22313-1450
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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

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NOV 13 2008

In re Application of	:	
Eguchi et al.	:	
Application No.: 11/594787	:	ON PETITION
Filing or 371(c) Date: 11/09/2006	:	
Attorney Docket Number: 566.43908CX2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 25, 2008, to revive the above-identified application. Applicant asserts in the petition that he did not receive the Office communication. The petition is properly treated as a Petition To Withdraw Holding of Abandonment Based on Failure To Receive an Office Action under 37 CFR 1.181. See, MPEP 711.03(c).

This Petition under 37 CFR 1.181 is hereby **dismissed**.

The petition under 37 CFR 1.137(b) is **held in abeyance**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704. If a request for reconsideration of the present petition is filed, it should only address the deficiencies noted below.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed December 7, 2007. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned January 8, 2008. A Notice of Abandonment was mailed September 17,2008.

Petition under 37 CFR 1.181

Applicant files the present petition and asserts that he did not receive the Notice.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C.133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied)

MPEP 711.03(c)

Analysis and conclusion

Applicant has failed to demonstrate that the Notice was not received. Applicant must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statement(s).

A Decision on the petition to revive the application under 37 CFR 1.137(b) will be held in abeyance until final resolution of the petition under 37 CFR 1.181.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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1800 DIAGONAL ROAD
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ALEXANDRIA VA 22314

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JAN 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Eguchi et al.	:	
Application No.: 11/594787	:	ON PETITION
Filing or 371(c) Date: 11/09/2006	:	
Attorney Docket Number: 566.43908CX2	:	

This is a decision on the renewed petition to withdraw holding of abandonment (37 CFR 1.181), and conditional petition for revival of abandoned application under 37 CFR 1.137(b), filed December 4, 2008.

This Petition under 37 CFR 1.181 is hereby **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment ("Notice"), mailed December 7, 2007. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned January 8, 2008. A Notice of Abandonment was mailed September 17,2008.

Applicant filed a petition in September 25, 2008, wherein Applicant alleged non-receipt of the Office communication. The petition was dismissed in a Decision mailed November 13, 2008. The Decision required a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should also establish that the docketing system is sufficiently reliable. The petition was dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statement(s).

The present renewed petition

With the present renewed petition, Applicant has demonstrated non-receipt of the Office communication by a preponderance of the evidence.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2187 for re-mailing of the Office action and re-setting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Abdalla Adel-Gary
Prince Hamza Suburb
P.O. Box 214
Amman 11733 JO JORDAN

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SEP 04 2009

OFFICE OF PETITIONS

In re Application of :
Abdalla Aref Adel-Gary :
Application No. 11/594,793 : ON PETITION
Filed: November 9, 2006 :
Attorney Docket No. Adel-Gary :

This is in response to the petition, filed July 20, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On October 23, 2008, the Office mailed a non-final Office action, which set a three month shortened statutory period to reply. The application became abandoned on January 24, 2009, for failure to submit a timely response to the non-final Office action. On June 11, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner states "I did not receive the office letter that is mentioned in your notice of abandonment."

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the non-final Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence,

petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of October 23, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after October 23, 2008, to demonstrate non-receipt of the non-final Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the non-final Office action was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after October 23, 2008; the period when he would have received the non-final Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the non-final Office action. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the October 23, 2008 non-final Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

The $270 received with the petition on July 20, 2009 may be applied toward the petition under 37 CFR 1.137(b), which leaves a balance of $540.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
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401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the non-final Office action dated October 23, 2008.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,793	11/09/2006	Abdalla Aref Adel-Gary	Adel-Gary	6079

7590 10/23/2008

Abdalla Adel-Gary
Prince Hamza Suburb
P.O. Box 214
Amman, 11733
JORDAN

EXAMINER
TRIEU, THAI BA

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
10/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/594,793	ADEL-GARY, ABDALLA AREF	
	Examiner	Art Unit	
	Thai-Ba Trieu	3748	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 09 November 2006 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 11/09/2006.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ***"blades being substantially rectangular in shape"*** (See Claims 5 and 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claimed feature of ***"blades being substantially rectangular in shape"*** lacks antecedent basis in the original specification.

Claim Suggestions

In order to maintain the consistency in claims, applicant is required to revise the claimed language as following:

- In claims 1 and 11, the recitation of ***"means to introduce fuel..."*** should be replaced by – **means for introducing fuel... --.**

- In claims 1 and 11, the recitation of ***"means to ignite fuel..."*** should be replaced by – **means for igniting fuel... --.**

- In claims 7 and 15, the recitation of ***"said fuel ignition means ..."*** should be replaced by – **said means for igniting fuel ... --.**

- In claims 8 and 16, the recitation of ***"said fuel introduction means ..."*** should be replaced by – **said means for introducing fuel ... --.**

- In claim 11, the recitation of ***"means to mount said rotary member..."*** should be replaced by – **means for *mounting said rotary member* ... --.**

Appropriate correction is required.

Claim Objections

Claims 5 and 13 are objected to because of the following informalities:

- In claims 5 and 13, the recitation of ***"said plurality of blades are ..."*** should be replaced by – **said plurality of blades is ... --** *(for correcting grammatical error).*

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically,

The recitation of "means of one of their ends" renders the claim indefinite, since it is not clear that which means is to be referenced to. Applicant is required to identify this means or to revise the claimed language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, 10-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyle (Patent Number 3,260,248), in view of either Okada (Patent Number 3,636,930) or Feyereisen (Pub. Number EP 379832 A1).

Regarding claims 1, 6, 11, and 14, Lyle discloses a paddling blades engine comprising:

(a) two rotary members/a rotary member (36, 37) having one axis of rotation and each having a surface substantially perpendicular to their axis of rotation and their surfaces opposing each other (See Figure 2),

(b) a plurality of substantially non twisted blades (4) rotatably mounted by means of both of their ends to said two rotary members (36, 37) in such a way that the axis of rotation of each said blade is substantially parallel to the axis of rotation of said two rotary members (36, 37), and said plurality of blades (4) evenly distributed at an equal distance from the axis of rotation of said two rotary member (36, 37),

(c) a mechanical means (46, 47) connected to at least one of the ends of each said plurality of blades (4) to maintain said plurality of blades (4) parallel to each other and to a non-rotating reference line while moving in a circular orbit about the axis of rotation of said two rotary members (36, 37),

(d) a housing (S) incasing said plurality of blades (4) having its internal surface shaped by the traces of the outward edges of said plurality of blades (4),

(e) a core (R) placed between said two rotary members (36, 37) and surrounded by said plurality of blades (4), and said core (R) having its external surface shaped by the traces of the inward edges of said plurality of blades, thereby resulting in air chambers, that change volume cyclically, confined by the surfaces of adjacent said plurality of blades, the surfaces of said two rotary members, the internal surface of said housing (S), and the external surface of said core (R),

(f) means for fastening (41) said housing (S) to said core/means to mount said rotary member (36, 37) to said housing (S) (via 41),

(g) means to introduce fuel (29) into said air chambers,

(h) means to ignite fuel and air mixture (58) substantially between ten and two o'clock position, whereby resulting in a net torque in the counterclockwise direction on said two rotary members, and resulting in a jet of hot gases coming out of the outlet opening of said housing (S) (See Figures 1-2, Column 2, lines 65-72, Column 3-8, lines 1-75, and Column 9, lines 1-34).

However, Lyle fails to disclose the location of the inlet opening and outlet opening, and said plurality of blades having a profile substantially composed of two opposing arcs.

Okada/Feyereisen teaches that it is conventional in the rotary engine art, to utilize said housing (63 of Okada; 3 of Feyereisen) having an inlet opening (56 of

Okada; 8 of Feyereisen) for the entry located substantially between three and six o'clock position and an outlet opening (58 of Okada; 9 of Feyereisen) for the exhaust of hot gases located substantially between six and nine o'clock position where said plurality of blades are substantially parallel to a line connecting the positions and where said two rotary members rotating in a counterclockwise direction; and said plurality of blades (67 of Okada; 3 of Feyereisen) having a profile substantially composed of two opposing arcs (See Figure 13 of Okada; Figure 1 of Feyereisen).

It would has been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized the inlet opening and outlet opening being positioned on said housing, and said plurality of blades having a profile substantially composed of two opposing arcs, as taught by Okada/Feyereisen, to provide an alternative arrangement/design for the location of the inlet opening and the outlet opening for the Lyle device.

Regarding claims 2 and 12, Lyle discloses means for transferring rotational power (46, 47) from at least one of said two rotary members (See Figure 2).

Regarding claim 3, Lyle discloses wherein said two rotary members (36, 37) are mounted to said core (R) (See Figure 2).

Regarding claim 4, Lyle discloses wherein said two rotary members are mounted to said means for fastening (41) said housing (S) to said core (R) (See Figure 2).

Regarding claims 5 and 13, Lyle discloses wherein said plurality of blades (4) is substantially rectangular in shape (See Figure 1).

Regarding claims 7 and 15, Lyle discloses wherein said fuel ignition means comprises a recess forming a combustion chamber for retaining a device selected from the group consisting of a sparkplug (58) and an igniter (60) (See Figures 1-2, Column 7, lines 5-29).

Regarding claims 8 and 16, Lyle discloses wherein said fuel introduction means (29) comprises a device selected from the group consisting of a fuel injector and fuel nozzle (See Figures 1-2, Column 5, lines 17-40).

Regarding claims 10 and 18, Lyle discloses wherein including means for cooling (via 3) all heated aforementioned components (See Figures 1-2, Column 1, lines 42-56, Column 3, lines 16-21, Column 6, lines 45-75, Column 7, lines 1-2).

Regarding claims 19-20, Lyle discloses wherein said plurality of blades (4) mounted to said rotary member (36, 37) by means of one of their ends; and wherein said mechanical means (46, 47) connected to one of the ends of said plurality of blades (4) (See Figures 1-2).

Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyle (Patent Number 3,260,248), in view of either Okada (Patent Number 3,636,930) or Feyereisen (Pub. Number EP 379832 A1), and further in view of Ross (Patent Number 1,931,263).

The modified Lyle discloses the invention as recited above; however fails to disclose means for lubricating and cooling frictionally mated moving surfaces of all aforementioned components.

Ross teaches that it is conventional in the internal combustion engine art, to utilize means for lubricating and cooling (via 95, 96, 99, 100, 101, 103, 106, 107, 108, 109, 110, 111) frictionally mated moving surfaces of all aforementioned components (See Figures 2-6, Page 6, lines 41-89).

It would has been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized means for lubricating and cooling frictionally mated moving surfaces of all aforementioned components, to improve the efficiency of the modified Lyle device, since the use thereof would have provided a lubrication and cooling system as well as reduced mechanical friction of the engine.

Prior art

The IDS (PTO-1449) filed on November 09, 2006 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
October 13, 2008

/Thai-Ba Trieu/
Primary Examiner
Art Unit 3748

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hidetoshi Sakaki	: DECISION ON REQUEST FOR
Patent Number	: 7620794	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/594,823	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **349** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HONEYWELL/SHIMOKAJI
PATENT SERVICES
101 Columbia Road
P.O.Box 2245
Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Cristian E. Anghel	: DECISION ON REQUEST FOR
Patent Number	: 7612514	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/594,846	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Morristown, NJ 07962-2245

Mail Date: 04/20/2010

Applicant	: Cristian E. Anghel	: DECISION ON REQUEST FOR
Patent Number	: 7615892	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/594,847	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **267** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,885	11/09/2006	Seung-jun Lee	52356	5948

7590 12/19/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
BEATTY, ROBERT B

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
12/19/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 12/22/2008 BPOWELL
11/13/2006 MBIZUNES 00000016 11594885
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -300.00 OP

Refund Ref:
12/22/2008 0030064877

Credit Card Refund Total: $610.00

Ac Exp..: XXXXXXXXXXX2007

FORM PET651G (Rev. 08/07)

Repln. Ref: 12/22/2008 BPOWELL 0014061400
DA#:182220 Name/Number:11594885
FC: 9204 $1000.00 CR

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MAILED

JUL 07 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Shinichi Nakamura
Application No. 11/594,932
Filed: November 9, 2006
Attorney Docket No. 114458.05

This is a decision on the petition, filed July 1, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 18, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1792 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Gary KENDALL	:	
Application No. 11/594,951	:	DECISION ON PETITION
Filed: November 9, 2006	:	TO WITHDRAW
Attorney Docket No. 10365.003.00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 27, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael I. Angert on behalf of the attorneys of record associated with Customer No. 30827.

The attorneys of record associated with Customer No. 30827 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The address of record has been changed and the new address is the address indicated below until otherwise notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for

recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GARY KENDALL
4672 OUTER BANK DRIVE
NORCROSS, GA 30092

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/594,951	11/09/2006	Gary Kendall	10365.003.00

CONFIRMATION NO. 6635

POWER OF ATTORNEY NOTICE

30827
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

OC000000036065403

Date Mailed: 05/20/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of:	:	DECISION ON REQUEST
Naka et al.	:	FOR REVIEW OF
Application No. 11/594982	:	PATENT TERM ADJUSTMENT
Filed: November 11, 2006	:	
Atty Docket No. 087147-0595	:	

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed December 15, 2008. Pursuant to petitioner's duty of good faith and candor to the Office, petitioner requests confirmation of the issuance of a patent term adjustment of 98 days.

The request for review of the determination of patent term adjustment (PTA) is **granted**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **zero (0) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 7, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is ninety-eight (98) days.

The Office initially determined a patent term adjustment of ninety-eight (98) days based on an adjustment for PTO delay of one hundred twenty-eight (128) days pursuant to 37 C.F.R. § 1.702(a)(1), reduced by thirty (30) days of applicant delay pursuant to 37 C.F.R. 1.704(b).

37 C.F.R. § 1.704(b) states:

> With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.;

Applicant should have been assessed an additional delay of one hundred and four (104) days pursuant to 37 C.F.R. § 1.704(b). Applicant filed the application filing fees on June 12, 2008, in response to a Notice to File Missing Parts of Nonprovisional Application mailed November 29, 2006, which was one hundred and four (104) days after February 28, 2007 - the date that is three (3) months after the date of mailing of the Notice to File Missing Parts of Nonprovisional Application, mailed November 29, 2006.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **zero (0) days**, ((128 days of PTO delay, reduced by 134 (104+30) days of applicant delay)), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated

on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods, at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Updated PAIR Screen

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/595,048	11/09/2006	3768	1260	20405	9	13	3

CONFIRMATION NO. 6801

UPDATED FILING RECEIPT

OC000000022467647

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

Date Mailed: 02/12/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Takemitsu Honda, Tokyo, JAPAN;

Assignment For Published Patent Application

Olympus Medical Systems Corp., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **45307**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2005-326615 11/10/2005

If Required, Foreign Filing License Granted: 02/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/595,048

Projected Publication Date: 05/24/2007

Non-Publication Request: No

Early Publication Request: No

Title

In-vivo image acquiring apparatus, receiving apparatus, and in-vivo information acquiring system

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No. None

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
David L. Vergeyle et al. :
Application No. 11/595,110 : DECISION ON PETITION
Filing Date: November 9, 2006 : UNDER 37 C.F.R. § 1.78(A)(3)
Attorney Docket No.: 006209.P09 :
Title: ELECTRONIC CAPTURE OF :
PROMOTIONS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed April 12, 2007 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

MPEP § 201.11(V) sets forth, *in pertinent part*:

> If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (e.g., if the benefit claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt. This is because the application will have been scheduled for publication on the basis of such information concerning the benefit claim. Applicant must still submit the benefit claim in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (i.e., by an amendment in the first sentence(s) of the specification or in an ADS) to have a proper claim under 35 U.S.C. 120 or 119(e) and 37 CFR 1.78 to the benefit of a prior application. If, however, an applicant includes a benefit claim elsewhere in the application and not in the manner specified in 37 CFR 1.78(a), and the claim is not recognized by the Office as shown by its absence on a filing receipt (e.g., if the benefit claim is in a part of the application where benefit claims are not conventionally located, such as the body of the specification), the Office will require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the benefit claim contained elsewhere in the application.

With the present application, the applicant included a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 C.F.R. §§ 1.78(a)(2)(i) and (a)(2)(iii) or 37 C.F.R. §§ 1.78(a)(5)(i) and (a)(5)(iii). However, the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt.

As such, the present petition is **DISMISSED AS MOOT.**

In view of the above, the $ 1,370.00 surcharge is unnecessary and will be refunded to Petitioner's Deposit Account in due course.

The fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course,

consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. None

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
David L. Vergeyle et al. :
Application No. 11/595,110 :
Filing Date: November 9, 2006 :
Attorney Docket No.: 006209.P09 :
Title: ELECTRONIC CAPTURE OF :
PROMOTIONS :

DECISION ON PETITION
UNDER 37 C.F.R. § 1.78(A)(3)

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed April 12, 2007 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. § 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. § 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date

> the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference prior-filed nonprovisional application number 10/982,326. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)).

Before the petition under 37 C.F.R. § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 C.F.R. §§ 1.76(b)(5) and 1.121) to correct the above matters are required.

Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 C.F.R. § 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R. § 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 C.F.R. § 1.33(b).

Any reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.78(a)(3)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

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1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

cc: Arthur T.C. Au
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P. O. Box 808, L-703
Livermore, CA 94551

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of :
Farmer, Wong, Haslam, Ji, Day, Blue, Rivard, Aprigliano, Kohler,
Bayles, Lemieux, Yang, Perepezko, Kaufman, Heuer, Lavernia :
Application No.: 11/595,166 : DECISION ACCORDING
Filed: November 9, 2006 : RULE 47(a) STATUS
Attorney Docket No: IL-11558 :
For: **COMPOSITIONS OF CORROSION-RESISTANT FE-BASED AMORPHOUS METALS SUITABLE FOR PRODUCING THERMAL SPRAY COATINGS**

This is in response to the petition under 37 CFR 1.47(a), filed February 12, 2007.
The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on November 9, 2006, without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 13, 2006, requiring an executed oath or declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed responsively on February 12, 2007.

Petitioner has shown that inventor Ji has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Xiaoyan (Jane) Ji
2992 Moreno Avenue
Pleasanton, CA 94588

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MAR 3 0 2007

OFFICE OF PETITIONS

In re Application of :
Farmer, Wong, Haslam, Ji, Day, Blue, Rivard, Aprigliano, Kohler,
Bayles, Lemieux, Yang, Perepezko, Kaufman, Heuer, Lavernia :
Application No.: 11/595,166 : LETTER
Filed: November 9, 2006 :
Attorney Docket No: IL-11558 :
For: **COMPOSITIONS OF CORROSION-RESISTANT FE-BASED AMORPHOUS METALS SUITABLE FOR PRODUCING THERMAL SPRAY COATINGS**

Dear Inventor Xi:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Eddie E. Scott
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P. O. Box 808, L-703
Livermore, CA 94551

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK NY 10281-2101

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MAR 30 2007

OFFICE OF PETITIONS

In re Application of :
Long, Ingold, and Rhyne :
Application No.: 11/595,168 : DECISION ACCORDING
Filed: November 8, 2006 : RULE 47(a) STATUS
Attorney Docket No:4505-4031US2 :
For: **CONTROL APPARATUS FOR HYDRAULIC CYLINDER**

This is in response to the petition under 37 CFR 1.47(a), filed March 5, 2007.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on November 8, 2006, without a properly executed declaration. On November 28, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring, a proper declaration, and surcharge. The instant petition was filed responsively on March 5, 2007, with an extension of time within the first month.

Petitioner has shown that inventor Ingold has constructively refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account 13-4500 will be charged $200.00 for the petition fee.

This application will be directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Masatsugu Shigeno	: DECISION ON REQUEST FOR
Patent Number	: 7605368	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,184	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **314** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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David W. Collins
Intellectual Property Law
Suite 100
512 E. Whitehouse Canyon Road
Green Valley AZ 85614

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OFFICE OF PETITIONS

In re Application of :
Brown, et al. :
Application No. 11/595,202 :
Filed: November 10, 2006 :
Attorney Docket No. D-06016 :
For: OPTICAL BRIGHTENER ADDITIVE TO CEMENTS AND PRIMERS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed December 1, 2006, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on February 2, 2007. A Notice of Abandonment was mailed on August 2, 2007.

Applicants have submitted a proper reply to the December 1, 2006 Notice in the form of an executed declaration and $130.00 surcharge, a proper statement of the unintentional nature of the delay in responding to the December 1, 2006 Notice, and the $1,540.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

CHERNOFF, VILHAUER,
MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

In re Application of	:	
Hopkins	:	
Application No. 11/595,212	:	DECISION
Filed: 9 November, 2006	:	
Attorney Docket No. CDM/8887.0026	:	

This is a decision on the petition, filed on 12 September, 2008, considered as a petition under 37 C.F.R. §1.137(b) to revive the application as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to the final Office action mailed on 28 December, 2007, with reply due absent an extension of time on or before 28 March, 2008.

On 16 June, 2008, Petitioner submitted (with a request and fee for extension of time) an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knows is not as of right and not a proper reply if it does not *prima*

facie place the application in condition for allowance, and on 11 August, 2008, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 28 June, 2008.

It does not appear that the Office mailed the Notice of Abandonment before the instant petition was filed.

On 12 September, 2008, Petitioner filed the instant petition with fee, a reply in the form of request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/595,212

As to Allegations of
Unintentional Delay

The requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(b) is **granted**.

The Power of Attorney submitted on 16 June, 2008, appears already to have been entered.

The instant application is released to Technology Center/AU (TC/AU) 3745 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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THE WEB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURG, PA 15219

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In re Application of :
Hidekazu TSUCHIDA :
Application No. 11/595,232 :
Filing or 371(c) Date: November 10, 2006 :
Attorney Docket Number: 1217-063784 :

DECISION ON PETITION

This is a decision on the "Petition Under §1.57(a) Incorporation by Reference," filed September 22, 2008.

The petition is **dismissed**.

Background

Application papers in the above-identified application were deposited on November 10, 2006, claiming priority to two Japanese patent applications, and omitted the drawings. Although no Notice of Incomplete Nonprovisional Application issued, petitioner discovered drawings were missing. Applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Applicable Law, Rules and MPEP

Petition under 37 CFR 1.57(a)

37 CFR § 1.57; Incorporation by reference, states:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or

drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

Analysis

Applicant filed a Transmittal of Drawings September 22, 2008. The petition is based upon a priority claim to Japanese Application Nos. 2006-206953 and 2006-237996, a certified copy of each was filed on November 10, 2006; however, no English language translation of the prior-filed application has been filed. An English language translation of the prior-filed application in accordance with 37 CFR 1.57(a)(1)(i), is required.

Conclusion

The petition is dismissed without prejudice. Applicant must file an English language translation of the prior-filed application.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

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436 SEVENTH AVENUE
PITTSBURG, PA 15219

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OCT 02 2009

OFFICE OF PETITIONS

In re Application of :
Hidekazu TSUCHIDA :
Application No. 11/595,232 : DECISION ON PETITION
Filing or 371(c) Date: November 10, 2006 :
Attorney Docket Number: 1217-063784 :

This is a decision on the renewed "Petition Under §1.57(a) Incorporation by Reference," filed March 25, 2009.

The petition is **GRANTED**.

Background

Application papers in the above-identified application were deposited on November 10, 2006, claiming priority to two Japanese patent applications, and omitted the drawings. Although no Notice of Incomplete Nonprovisional Application issued, petitioner discovered drawings were missing. Applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Applicable Law, Rules and MPEP

Petition under 37 CFR 1.57(a)

37 CFR § 1.57, Incorporation by reference, states:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or

drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

An English language translation of the prior-filed application in accordance with 37 CFR 1.57(a)(1)(i), has been received with the renewed petition. Hence the requirements of 37 CFR 1.57(a) have been satisfied.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

GIBBONS P.C.
ONE GATEWAY CENTER
NEWARK NJ 07102

In re Application of	:	
Jo, et al.	:	
Application No. 11/595,246	:	DECISION
Filed/Deposited: 9 November, 2006	:	
Attorney Docket No. 098390-57633	:	

This is a decision on the papers entitled (in part) "Petition to be Accorded a Filing Date Pursuant to 37 C.F.R. §1.53 ..." filed 8 January, 2007, seeking to have accorded a filing date of 9 November, 2006, for the above-identified application, and more properly considered under 37 C.F.R. §1.57(a), based on the inadvertently omitted drawings being present in the prior-filed foreign application to which this application claimed benefit on filing under 37 C.F.R. §1.55.

For the reasons stated herein, the petition as considered under the provisions of 3 7 C.F.R. §1.53(c)(2) is **GRANTED**.

Application papers in the above-identified application were deposited on 9 November, 2006 (with an unexecuted oath/declaration). On 1 December, 2006, the Office mailed a Notice of Incomplete Nonprovisional Application, stating, *inter alia*, that the application had not been accorded a filing date because the application was deposited without drawings.

In response, the present petition was timely filed, along with an executed oath/declaration and the surcharge for its late filing). On petition, with fee, Petitioner asserts that the drawings were inadvertently omitted and provides copies of two (2) sheets of drawings averred to have been included in the Korean Application No. 2006-21071 (filed 6 March, 2006) to which a claim for priority was made in the instant application on deposit.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method/process/composition claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed incomposition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of 9 November, 2006, with no drawings present in the application, the petition is **GRANTED**. The Petition fee is waived and is refunded via Deposit Account 03-3839. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to OPAP for:

- **correction of the filing date to 9 November, 2006**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed 8 January, 2007, will be determined by the Examiner.

Application No. 11/595,246

Telephone inquiries concerning this matter should be directed to Attorney John J Gilllon, Jr., at (571) 272-3214.

Anthony Knight
Supervisor
Office of Petitions

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BOGLE & CHANG
11400 W. OLYMPIC BLVD, SUITE 200
LOS ANGELES, CA 90064

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OFFICE OF PETITIONS

In re Application of :
KONG, et al. :
Application No. 11/595,264 :
Filed: November 8, 2006 :
Attorney Docket No. **10113P0001** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 17, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Christine S. Chang sole attorney of record. Christine S. Chang has been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SEONG KON KONG**
706 S. HILL STREET, APT 1214
LOS ANGELES, CA 90014

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Mail Date: 04/21/2010

Applicant	: James Albert London Baker	: DECISION ON REQUEST FOR
Patent Number	: 7666075	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,268	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **638** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Kenyon & Kenyon LLP_
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New York, NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Larry Kubes et al.	:	
Application No. 11/595,273	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. 13559/54D	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Samuel Higgins**
Axial Vector Engine Corporation
One Trade Center
121 SW Salmon Street, Suite 1100
Portland, OR 97204

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Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

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In re Application of	:	
Larry Kubes, et al.	:	
Application No. 11/595,273	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. 13559/54D	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Clifford A. Ulrich on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the second named signing inventor. (first signing inventor didn't provide zip code)

There is an outstanding Office action mailed August 5, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Chris Lambert**
1903 Alexander Drive
Troy, MI 48083

cc: **Axial Vector Engine Corporation**
One World Trade Center
121 SW Salmon Street, Suite 1100
Portland, OR 97204

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/595,273	11/08/2006	Larry Kubes	13559/54D

CONFIRMATION NO. 7328

POWER OF ATTORNEY NOTICE

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

OC000000033388272

Date Mailed: 12/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LEATHERWOOD WALKER TODD & MANN, P.C.
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE SC 29601

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OFFICE OF PETITIONS

In re Application of :
CHARLES A. UZES :
Application No. 11/595,276 :
Filed: November 09, 2006 :
Attorney Docket No. **133221.3** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 09, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Charles A. Uzes, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3662 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

Mail Date: 04/20/2010

Applicant	: John Tang	: DECISION ON REQUEST FOR
Patent Number	: 7595933	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,290	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **56** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BEYER LAW GROUP LLP/APPLE INC.
P.O. BOX 1687
CUPERTINO, CA 95015-1687

Mail Date: 05/17/2010

Applicant : John Tang
Patent Number : 7595933
Issue Date : 09/29/2009
Application No : 11/595,290
Filed : 11/09/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **89** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/595,291	11/10/2006	Essam T. Awdalla	

Essam T. AWDALLA
124 Black Ridge Street
Morrisville NC 27560

DATE MAILED: August 13, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed July 9, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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JONES & SMITH , LLP
2777 ALLEN PARKWAY
SUITE 800
HOUSTON, TX 77019

Mail Date: 04/21/2010

Applicant	: Xiaolan Wang	: DECISION ON REQUEST FOR
Patent Number	: 7625845	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **454** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PCE INDUSTRY, INC.
ATT. Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

Mail Date: 04/21/2010

Applicant	: Steven Webster	: DECISION ON REQUEST FOR
Patent Number	: 7646429	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,297	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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OFFICE OF PETITIONS

In re Application of	:	
Tae-Ahn Jahng	:	
Application No. 11/595,303	:	DECISION ON PETITION
Filed: November 10, 2006	:	TO WITHDRAW
Attorney Docket No. 001227/1397	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 18, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on January 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Stroock & Stroock & Lavan, LLP**
180 Maiden Lane
New York, NY 10038

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OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
KUBES, et al.	:	
Application No. 11/595,324	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. **13559/54A**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 2007 and re-submitted October 10, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Clifford Ulrich on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: LARRY KUBES
6378 S. 44TH STREET
CLIMAX, MI 49034

cc: SAMUEL HIGGINS
AXIAL VECTOR ENGINE CORPORATION
ONE TRADE CENTER
121 SW SALMON STREET, SUITE 1100
PORTLAND, OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

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FEB 15 2008
OFFICE OF PETITIONS

In re Application of	:	
KUBES, et al.	:	
Application No. 11/595,325	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. **13559/54C**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Clifford Ulrich on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LARRY KUBES**
6378 S. 44TH STREET
CLIMAX, MI 49034

cc: **SAMUEL HIGGINS**
AXIAL VECTOR ENGINE CORPORATION
ONE TRADE CENTER
121 SW SALMON STREET, SUITE 1100
PORTLAND, OR 97204

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION
CA / LA1 / A109
2230 E IMPERIAL HIGHWAY
EL SEGUNDO CA 90245

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In re Application of	:	
Lee, et al.	:	
Application No. 11/595,330	:	ON PETITION
Filed: November 10, 2006	:	
Attorney Docket No. PD-206026	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 20, 2009.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned due to failure to timely file a reply to the final Office action, mailed May 30 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on August 31, 2008. The Office mailed a Notice of Abandonment on December 19, 2008.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and

docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for the due date of August 30, 2008. An entry for the instant application is absent, supporting the conclusion that the May 30, 2008 Office action was not received.

In view thereof, the petition is granted.

The application is being forwarded to Group Art Unit 3662 for re-mailing of the May 30, 2008 Office action, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

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January 21, 2009

Adam J. Forman
Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891

Patent No.: 7,467,955 B2
Application No.: 11/595,338
Inventor(s): Alan Raistrick, et al.
Issued: December 23, 2008
Title: **IMPEDANCE CONTROL IN ELECTRICAL CONNECTORS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

A petition under C.F.R. 1.182 is, required to correct the alleged error in an inventor's address, since an inventor's address is printed in accordance with the Declaration or the PTOL-85B (Issue Fee Transmittal), in file at the time of payment of the base issue fee. The Patent and Trademark Office did not make the error in the printing of the patent. An inventor's address is a matter not affecting the validity of technical subject mater of the patent, and since inventors often move both before the issuance of the patent and afterwards, no correction is in order under the provision of Rule 1.323, unless a petition under 1.18

In view of the foregoing, your request, in this mater, is hereby denied.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 1.182 should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

A certificate of correction will be issued to correct the remaining errors mentioned in your request.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) **308-9390 ext 113** or (703) 308-8309

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Brian J. Chisholm	: DECISION ON REQUEST FOR
Patent Number	: 7586417	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,372	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **340** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of	:	
Rizoiu, Ioana M. et al	:	
Appl. No.: 11/595,398	:	DECISION ON PETITION
Filed: Nov. 8, 2006	:	
Attorney's Docket # BI9322CON5	:	
For: DEVICE FOR DENTAL CARE AND WHITENING	:	

This is a decision on the petition filed May 16, 2008 under 37 CFR 1.181 requesting supervisory review of the final office action mailed Apr. 17, 2008. Petitioner requested withdrawal of the finality of the office action.

The petition is **Granted**.

Petitioner requests that the finality of the Office action mailed Apr. 17, 2008 be withdrawn because no substantive claim amendment was filed on Jan. 16, 2008. The only change made in the amendment was placing dependent claims in independent form. The new ground of rejection to the claims was not necessitated by the amendment filed on Jan. 16, 2008.

It is noted in the amendment of Jan. 16, 2008, the applicant did not make any substantive amendment to the claims. The examiner introduced new rejection of claims 2-6, 14-32 and 34-56 under 35 U.S.C. 103(a) as being unpatentable over Jensen et al (US 6,391,283) in view of Jensen et al (US 6,305,936). Therefore, the rejection of at least claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Jensen et al (US 6,391,283) in view of Jensen et al (US 6,305,936) was not necessitated by the amendment of Jan. 16, 2008. As such, the Apr. 17, 2008 final office action is premature and thus the finality of the Office action is hereby withdrawn. Since the finality is being withdrawn, any amendment responding to the Office action dated Apr. 17, 2008 will be treated as a 37 CFR § 1.111 amendment. The examiner has been instructed to treat the amendment filed on May 15, 2008 as if filed under 37 CFR 1.111 and issue an Office action not inconsistent with this decision.

The application was forwarded to Examiner Ralph Lewis via Supervisory Patent Examiner of Art Unit 3732 for preparation of an Office action in response to the reply filed on May 15, 2008. The reply filed on May 15, 2008 will be entered and is now considered as a response to a non-final Office action of Apr. 17, 2008. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

12/2/08

In re Application of:
RIZOIU, IOANA M. et al
Serial No.: 11/595,398
Filed: Nov. 8, 2006
Docket: BI9322CON5
Title: DEVICE FOR DENTAL CARE AND WHITENING

DECISION ON PETITION TO WITHDRAW HOLDING OF FINALITY

This is a decision on the petition filed on Nov. 6, 2008 to withdraw the finality of the Office action of Sep. 10, 2008. The petition is being considered pursuant to 37 CFR § 1.181 and no fee is required for the petition.

The petition is **DISMISSED**.

In the petition, the applicant requests withdrawal of the finality of the Office action mailed Sep. 10, 2008. The petitioner claims that Final Office Action of Sep. 10, 2008 mailed which contained new grounds of rejection, which were not necessitated by any amendment by Applicants and which were not based upon any new art cited in Applicants' IDS.

The record shows that:

1. In response to the Office action of Apr. 17, 2008, the applicant filed an amendment on May 18, 2008 without any substantive amendment to the claims.
2. On Jun. 24, 2008, the applicant filed an IDS, inter alia, the applicant cited U.S. Pat. 548662 to Kipe etal.
3. On Sep. 10, 2008, the examiner issued a final Office action adding a new ground of rejection regarding claims 2-6, 14, 17-19, 24, 31,32, 45-49 and 51 which are rejected under 35 U.S.C. 102(b) as being anticipated by Kipke et al (US 5,487,662). The examiner further noted that Kipke et al was cited in applicant's information disclosure statement of 6/24/2008 filed with a fee under 37 CFR 1.17(p).
4. On Nov. 6, 2008, the present petition was filed requesting withdrawal of the finality of the Office action mailed Sep. 10, 2008 based on petitioner's belief that the new grounds of rejection which were not necessitated by any amendment by Applicants and which were not based upon any new art cited in Applicants' IDS.

Discussion and Analysis

Relevant portions of MPEP 706.07(a): Final Rejection, When Proper on Second Action, states:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Where information is submitted in an information disclosure statement during the period set forth in 37 CFR 1.97(c) with a fee, the examiner may use the information submitted, e.g., a printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP § 609.04(b).

In order to determine whether or not the final rejection was based on any of the references cited by the applicant's IDS filed on Jun. 24, 2008, a comparison of rejections mailed on Apr. 17, 2008 and Sep. 10, 2008 must be made. A review of the Office action dated Sep. 10, 2008 shows a new rejection of claims 2-6, 14, 17-19, 24, 31,32, 45-49 and 51 under 35 U.S.C. 102(b) based on the U.S. Patent to Kipke et al (US 5,487,662). This rejection was not present in the Office action of Apr. 17, 2008. However, the examiner did indicate in the last Office action that Kipke et al was cited in applicant's information disclosure statement of Jun. 24, 2008.

In the petition, Petitioner indicates that the applicants did not file any response during the relevant period which would have necessitated the new ground of rejection. This is true. However, the issue here is whether or not the new ground of rejection of claims 2-6, 14, 17-19, 24, 31, 32, 45-49 and 51 under 35 U.S.C. 102(b) was based on U.S. Patent to Kipke et al (US 5,487,662) cited in the IDS filed on Jun. 24, 2008. Petitioner argues that the information of Applicants' IDS was not the basis for the examiner's new ground of rejection. In fact, the applicant did file an IDS on Jun. 24, 2008 during the relevant period, e.g. prior to the final rejection of Sep. 10, 2008. The IDS of Jun. 24, 2008 does include the U.S. Patent to Kipke et al which was the basis of the new rejection in the final Office action of Sep. 10, 2008. This clearly satisfies the provision of MPEP § 706.07(a). Therefore, the Final rejection based on the references cited by the applicant's IDS of Jun. 24, 2008 is proper.

Conclusion

For the forgoing reasons, the record shows that the examiner was in compliance with proper examining practice as set forth in M.P.E.P. 706.07(a). Therefore, the finality of the Office action is appropriate. The relief requested by petitioner will not be granted. Specifically, the examiner's finality of the Office action dated Sep. 10, 2008 is proper.

The application is being forwarded to Examiner Lewis of Art Unit 3732 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR

1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is dismissed.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

12/12/08

In re Application of:
RIZOIU, IOANA M et al;
Serial No.: 11/595,398
Filed: Nov. 8, 2006
Docket: BI9322CON5
Title: DEVICE FOR DENTAL CARE AND WHITENING

DECISION ON PETITION

This is a decision on the petition filed on Dec. 10, 2008 seeking withdrawal of the finality of the Office action mailed Sep. 10, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is granted.

It is noted that the record does not show any claims were amended in the amendment filed on May 15, 2008. Therefore, the rejection of claims 2-6, 14, 17-19, 24, 31,32, 45-49 and 51 under 35 U.S.C. 102(b) as being anticipated by Kipke et al (US 5,487,662) is not necessitated by the amendment of May 15, 2008. As such, the finality of the Office action issued on Sep. 10, 2008 is premature and thus the finality of the action is hereby withdrawn. The Office action mailed on Sep. 10, 2008 will be designated as non-final Office action. The period to respond to the Office action of Sep. 10, 2008 remains unchanged. Since the finality is being withdrawn, an amendment responding to the Office action will be treated as a 37 CFR § 1.111 amendment.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed Sep. 10, 2008 is hereby withdrawn.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

According, the petition is granted.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

BUSKOP LAW GROUP, P.C.
1776 YORKTOWN
SUITE 550
HOUSTON TX 77056

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DEC 1 2 2006
OFFICE OF PETITIONS

In re Application of :
SACKS, et al. :
Application No. 11/595,406 : DECISION ON PETITION
Filed: November 09, 2006 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1219.006 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 09, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy of Mr. Sacks Texas Driver License indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2819 for action on the merits commensurate with this decision.

PVolpe

Patricia Volpe
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Dennis Michael Volpano	:	
Application No. 11/595,418	:	DECISION ON PETITION
Filed: November 9, 2006	:	TO WITHDRAW
Attorney Docket No. 026009-000210US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by George B. F. Yee on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Dennis Michael Volpano**
17555 Sugarmill Road
Salinas, CA 93908

cc: **Guru Yeleswarapu**
e-Colt Systems, Inc.
4621 Cheeney Street
Santa Clara, CA 98052

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/595,418	11/09/2006	Dennis Michael Volpano	026009-000210US

CONFIRMATION NO. 9085

POWER OF ATTORNEY NOTICE

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000032359243

Date Mailed: 09/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 4/15/2009
Patent No. : 7,435,677 B2
Serial No. : 11/595,440
Inventor(s) : Choi
Issue Date : October 14, 2008
Title : **METHOD FOR FABRICATING SEMICONDUCTOR DEVICE**
Doc./File No. : **51876P1146**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged errors in your request, inspection of the file of the application for the patent reveals that column 3, line 15, and column 9, line 7, in the patent, is/are printed in accordance with the record in the Patent and Trademark Office, as passed to issued by the examiner prior to the issue fee payment. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing, your request for certificate of correction is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch with a fee of $100.

Ernest C. White, *LIE* (703) 308-9390 x122
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085

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APR 05 2010

OFFICE OF PETITIONS

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

In re Application of	:	
Sean COLEMAN	:	
Application No. 11/595,442	:	DECISION ON PETITION
Filed: November 9, 2006	:	
Attorney Docket No. 18567	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 26, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 26, 2009. Accordingly, the date of abandonment of this application is September 27, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755, (2) petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-7099 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to the Office of Data Management for processing into a patent.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

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OFFICE OF PETITIONS

In re Application of

KUBES, Larry et al.
Application No. 11/595,476
Filed: November 08, 2006
Attorney Docket No. **13559/54E**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 06, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (no longer representing the applicants), does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **MR. SAMUEL HIGGINS**
AXIAL VECTOR ENGINE CORPORATION
ONE TRADE CENTER
121 SW SALMON STREET, SUITE 1100
PORTLAND, OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
KUBES, Larry et al.	:	
Application No. 11/595,476	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. **13559/54E**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Clifford A. Ulrich on behalf of all attorneys of record who are associated with customer No. 26646. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Petitions Examiner
Office of Petitions

cc: **LARRY KUBES**
6378 S. 44TH STREET
CLIMAX, MI 49034

cc: **MR. SAMUEL HIGGINS**
AXIAL VECTOR ENGINE CORPORATION
ONE TRADE CENTER
121 SW SALMON STREET, SUITE 1100
PORTLAND, OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

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DEC 28 2009
OFFICE OF PETITIONS

In re Application of	:	
Yung-Chiang Chen, et al.	:	
Application No. 11/595,486	:	DECISION GRANTING PETITION
Filed: November 10, 2006	:	UNDER 37 CFR 1.313(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 28, 2009 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 17, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

PTO/SB/17p (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	11595486
Filing Date	November 10, 2006
First Named Inventor	Yung-Chiang Cheng
Art Unit	2874
Examiner Name	SONG, SARAH U
Attorney Docket Number	US8897

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of $ 130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.*

Payment of Fees (small entity amounts are NOT available for the petition fees)

☑ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-3789 :
☑ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

☐ Check in the amount of $_____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee $400 Fee Code 1462
For petitions filed under:
§ 1.36(a) - for revocation of a power of attorney by fewer than all applicants
§ 1.53(e) - to accord a filing date.
§ 1.57(a) - to accord a filing date.
§ 1.182 - for decision on a question not specifically provided for.
§ 1.183 - to suspend the rules.
§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee $200 Fee Code 1463
For petitions filed under:
§ 1.12 - for access to an assignment record.
§ 1.14 - for access to an application.
§ 1.47 - for filing by other than all the inventors or a person not the inventor.
§ 1.59 - for expungement of information.
§ 1.103(a) - to suspend action in an application.
§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
§ 1.295 - for review of refusal to publish a statutory invention registration.
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
§ 5.12 - for expedited handling of a foreign filing license.
§ 5.15 - for changing the scope of a license.
§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee $130 Fee Code 1464
For petitions filed under:
§ 1.19(g) - to request documents in a form other than that provided in this part
§ 1.84 - for accepting color drawings or photographs.
§ 1.91 - for entry of a model or exhibit.
§ 1.102(d) - to make an application special.
§ 1.138(c) - to expressly abandon an application to avoid publication.
§ 1.313 - to withdraw an application from issue.
§ 1.314 - to defer issuance of a patent.

/Frank R. Niranjan/	2009-12-28
Signature	Date
Frank R. Niranjan	41,572
Typed or printed name	Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

12/28/2009 CKHLOK 00000004 503789 11595486

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:1464 130.00 DA

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11/595486	Filing Date	2006-11-10	Docket Number (if applicable)	US8897	Art Unit	2874
First Named Inventor	YUNG-CHIANG CHENG			Examiner Name	SONG, SARAH U		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☐ Amendment/Reply
- ☒ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503789

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature
☐ Applicant Signature

12/28/2009 CKHLOX 00000094 503789 11595486
02 FC:1801 810.00 DA

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Frank R. Niranjan/	Date (YYYY-MM-DD)	2009-12-28
Name	Frank R. Niranjan	Registration Number	41572

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

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OCT 1 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Reid A. Baldwin	:	
Application No. 11/595,497	:	DECISION GRANTING PETITION
Filed: November 9, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 81147867	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 15, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 15, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3655 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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BARNES & THORNBURG LLP
600 ONE SUMMIT SQUARE
FORT WAYNE IN 46802

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JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
BEECHER, Robert L.	:	
Application No. 11/595,507	:	DECISION ON PETITION
Filed: November 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 43476/83079	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the declaration of inventor Robert L. Beecher, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3723 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Weaver Austin Villeneuve & Sampson LLP - IGT
Attn: IGT
P.O. Box 70250
Oakland, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Kirk A. Tedsen	: DECISION ON REQUEST FOR
Patent Number	: 7641556	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,553	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **482** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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RODMAN & RODMAN
7 SOUTH BROADWAY
WHITE PLAINS NY 10601

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OFFICE OF PETITIONS

In re Application of	:	
Norman Stone	:	
Application No. 11/595,559	:	DECISION ON PETITION
Filed: November 9, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RR-585-CIP	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

April M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

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3/5/09

Patent No. :7458191
Ser. No. :11595559
Inventor(s) :Norman Stone
Issued : 12/2/08
Title : FLOOR TILE
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

RODMAN RODMAN
10 Stewart Place
Suite 2CE
White Plains, NY 10603

HR

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LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Mail Date: 04/21/2010

Applicant	: Hideaki Kikuchi	: DECISION ON REQUEST FOR
Patent Number	: 7611788	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,570	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **309** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-12-08

TO SPE OF : ART UNIT 3753

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/595584 Patent No.: 7249611

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check Drawings

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

E Young

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do **not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Robin O. Evans — SPE

3753 — Art Unit

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

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OFFICE OF PETITIONS

In re Application of :
Edwards, et al. :
Application No. 11/595,617 : ON PETITION
Deposited: November 8, 2006 :
Attorney Docket No. 319578013US02 :
For: INSTALLATION APPARATUSES AND METHODS FOR INSTALLING SIDING PIECES ON WALLS

This is a decision on the petition captioned under 37 CFR 1.181, filed February 2, 2007, requesting that the above-identified application be accorded a filing date of November 8, 2006. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on November 8, 2006. On December 5, 2006, the Office of Initial Patent Examination mailed a Notice informing applicants that no filing date had been accorded to the application papers deposited on November 8, 2006 because no drawings were present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of November 8, 2006 on the basis that 3 sheets of drawings were received in the Patent and Trademark Office (PTO) on November 8, 2006. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing November 8, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 3 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 3 sheets of drawings were filed on November 8, 2006. MPEP 503. Accordingly, the request is granted. It appears that the $400.00 petition fee submitted with the present petition was refunded to deposit account no. 50-0665 on accounting date February 5, 2007.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of November 8, 2006, using the copy of the 3 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 3 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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THE LAW OFFICES OF
ANDREW D. FORTNEY, PH.D., P.C.
401 W. FALLBROOK AVE., SUITE 204
FRESNO, CA 93711-5835

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Hsin-Hung LEE, et al	:	
Application No. 11/595,661	:	DECISION ON PETITION
Filed: November 10, 2006	:	TO WITHDRAW
Attorney Docket No. 5QUANTA200602US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Andrew D. Fortney on behalf of the attorneys of record associated with Customer No. 36872.

The attorneys of record associated with Customer No. 36872 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first signing inventor at the address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of

the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: HSIN-HUNG LEE
NO. 21, LANE 101
CISHENG ST., FONGSHAN CITY
KAOHSIUNG COUNTY 830
TAIWAN (R.O.C.)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/595,661	11/10/2006	Hsin-Hung Lee	5QUANTA200602US

CONFIRMATION NO. 1111

POWER OF ATTORNEY NOTICE

36872
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO, CA 93711-5835

OC000000035881592

Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., PC
401 W. FALLBROOK AVEUNE, SUITE 204
FRESNO, CA 93711-5835

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Tung-Lin HSIEH, et al. :
Application No. 11/595,662 :
Filed: November 10, 2006 :
Attorney Docket No. **IPTE.0186** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., PC** has been revoked by the assignee of the patent application on May 5, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JUAN CARLOS A. MARQUEZ**
REED SMITH, LLP
3110 FAIRVIEW DRIVE, SUITE 1400
FALLS CHURCH, VA 22042

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Tung-Lin Hsieh	: DECISION ON REQUEST FOR
Patent Number	: 7646512	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,662	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **622** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRACEWELL & GIULIANI, LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

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FEB 29 2008

In re Application of	:	
Ronald William Scharbo et al.	:	
Application No. 11/595,687	:	DECISION ON PETITION
Filed: November 10, 2006	:	TO WITHDRAW
Attorney Docket No. 188122007700	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jeffrey S. Whittle on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first named inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Applicant is reminded that there is no attorney of record at this time.

A non-final rejection was mailed on December 13, 2007. Failure to timely respond will result in the abandonment of this application.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Ronald William Scharbo
174 The Prado
Atlanta, GA 30309

cc: Drake Jeffries
Spell, Pless, Davis, Sauro, PC
The Proscenium, Suite 1750
1170 Peachtree Street, NE
Atlanta, GA 30309-7675

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/595,687	11/10/2006	Ronald William Scharbo	043545.000019

CONFIRMATION NO. 7477

POWER OF ATTORNEY NOTICE

35979
BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

OC000000028564130

Date Mailed: 02/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/14/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON, NV 98011-5009

COPY MAILED

NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Igor Troitski et al	:	
Application No. 11/595,694	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition, filed May 16, 2008 and supplemented on May 19, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers (Notice) mailed August 28, 2007, which set a two (2) month period for reply. A Notice of Abandonment was mailed on May 7, 2008.

Petitioner asserts that the Notice dated August 28, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record at that time. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket

and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the nonreceived Notice would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petitions received on May 16, 2008 and May 19, 2008 are not accepted. The petitions were sign by one (1) applicant, Igor Troitski. Communications received at the USPTO must be signed by all of the applicants. 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON, NV 98011-5009

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FEB 0 2 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Igor Troitski et al :
Application No. 11/595,694 :
Filed: November 13, 2006 :
Attorney Docket No. :

This is a decision on the renewed petition, filed December 31, 2008 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed August 28, 2007. The notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 29, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the August 28, 2007 Notice. A courtesy copy of this Notice is being mailed with this decision. Accordingly, the petition to revive cannot be granted until the response to the Notice is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: courtesy copy of the Notice to File Corrected Application Papers mailed August 28, 2007.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/595,694	11/13/2006	Igor Troitski	

CONFIRMATION NO. 7508
FORMALITIES LETTER

Igor Troitski
853 Arrowhead Trl.
Henderson, NV 89015

Date Mailed: 08/28/2007

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-5.
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 2, 5.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number, or, if appropriate, an application data sheet (37 CFR 1.76), is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450

Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Ck

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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MAR 30 2009

OFFICE OF PETITIONS

IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON, NV 98011-5009

In re Application of :
Igor Troitski et al :
Application No. 11/595,694 : ON PETITION
Filed: November 13, 2006 :
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 3, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

A renewed petition under 37 CFR 1.137(b) and other communications received at the USPTO must be sign by all of the applicants. *See* 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

This renewed petition can not be granted until the signatures of all of the applicants are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IGOR TROITSKI
6971 DANCING CLOUD AVE
HENDERSON, NV 98011-5009

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MAY 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Igor Troitski et al	:	
Application No. 11/595,694	:	ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 15, 2009, to revive the above-identified application.

The petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue, 16TH Floor
NEW YORK NY 10001-7708

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of	:	
DE GUEVARA, Cesar Ladron	:	
Application No. 11/595,695	:	DECISION ON PETITION
Filed: November 10, 2006	:	TO WITHDRAW
Attorney Docket No. **06339/MJC**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 24, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Marshall Chick on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Cesar L. De Guevara at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **CESAR LADRON DE GUEVARA**
3180 SENECA DRIVE
LAS VEGAS, NEVADA 89169

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NORMAN E. LEHRER, P.C.
1205 NORTH KINGS HIGHWAY
CHERRY HILL NJ 08034

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Digiacomo	:	
Application No. 11/595,748	:	DECISION ON PETITION
Filed: November 9, 2006	:	TO WITHDRAW
Attorney Docket No. 6585	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Vanitha M. Elgart, former attorney/agent associated with customer number 34678. Vanitha M. Elgart has been withdrawn. All other attorneys/agents will remain of record.

The correspondence address will remain the same until further notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

D'ARCY H. LORIMER
230 HOUSTON WAY
PISMO BEACH, CA 93449

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Hieu Lam et al	:	
Application No. 11/595,765	:	DECISION ON PETITION
Filed: November 10, 2006	:	
Attorney Docket No. HSJ9-2006-0064US1	:	

This is a decision on the petition, filed June 15, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice of Allowance mailed December 16, 2008, which set a three (3) month period for reply. A Notice of Abandonment was mailed on April 14, 2009.

The issue fee and publication fee was received on March 3, 2009. However, there is no evidence that the formal drawings were submitted.

Petitioner states "The Notice of Allowability had check boxes 5.a.1 check, but no PTO form PTO-948 was supplied in the communication with the Notice of Allowance. The Applicant had no specific instructions as to what drawing(s) required changes and what those changes were."

35 U.S.C. 133 Time for prosecuting application states "Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable."

Therefore, whether or not the drawing requirement was made in error or confusing, it is the applicant's responsibility to either timely traverse or comply with the requirement. See 37 CFR 1.135.

Petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

D'ARCY H. LORIMER
230 HOUSTON WAY
PISMO BEACH, CA 93449

MAILED

NOV 0 9 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Hieu Lam et al
Application No. 11/595,765
Filed: November 10, 2006
Attorney Docket No. HSJ9-2006-0064US1

This is a decision on the petition filed September 18, 2009 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed December 16, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 17, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the formal drawings; (2) the petition fee; (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morrison & Foerster, LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

COPY MAILED
OCT 27 2008

In re Application of	:	
Hans Boehringer et al.	:	
Application No. 11/595,777	:	DECISION ON PETITION
Filed: November 8, 2006	:	TO WITHDRAW
Attorney Docket No. 273102007810	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 15, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Judy Mohr, Phd., J.D.
King & Spalding, LLP
1000 Bridge Parkway
Suite 100
Redwood Shores, CA 94065

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

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APR 08 2009

OFFICE OF PETITIONS

NOTICE

In re Application of	:
David E. Humphries, et al.	:
Application No. 11/595,827	:
Filed: November 9, 2006	:
Attorney Docket No. LBNL-261	:

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the communication differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the communication; however, the Office will mail any future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JEFFREY S. SCHOENWALD
FULBRIGHT & JAWORSKI, LLP
555 SOUTH FLOWER STREET
41ST FLOOR
LOS ANGELES, CA 90071

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Jason T. Davis	: DECISION ON REQUEST FOR
Patent Number	: 7569948	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,844	: OF WYETH
Filed	: 11/10/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Chang-kook Hong	: DECISION ON REQUEST FOR
Patent Number	: 7585608	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,868	: OF WYETH
Filed	: 11/13/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

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Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE
SUITE 101
ELLICOTT CITY MD 21043

MAILED
JUN 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Shen Jason Chou	:	
Application No. 11/595,874	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. MR3315-210	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2010, and supplemented on March 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed July 1, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received March 25, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JUN 08 2010

OFFICE OF PETITIONS

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE
SUITE 101
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/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

STIC
Scientific & Technical Information Center

Search Report
EIC 2800

STIC Database Tracking Number: 297426

To: ERIC THOMAS **Location: JEF-10D11** **Art Unit: 2831** **Monday, June 01, 2009** **Case Serial Number: 11/585,883**	**From: SCOTT SEGAL** **Location: EIC2800** **JEF-4B55** **Phone: (571)272-1314** **scott.segal@uspto.gov**

Search Notes

Re: Electrical Double-Layer Capacitor and Production Method Therefor

Examiner Thomas:

Attached are edited search results from the patent and NPL literature in STN. Databases searched included Chemical Abstracts, Derwent World Patent Index, Japan Patent Abstracts, and Korean Patents.

In addition, I looked and forward cited relevant documents from the Foreign Search Report in Derwent (STN). I also searched in EAST (USPAT and USPGPUB)

It appears I did not find much of relevance. However, if you'd like to submit the search again, with more focused search parameters, please let me know.

if you have questions or comments, please do not hesitate to contact me.

Respectfully,
Scott

Scott Segal
Searcher, STIC-EIC2800
JEF-4B55, 571-272-1314

sira
Search and Information Resources Administration

STIC
Scientific & Technical Information Center

VOLUNTARY SEARCH FEEDBACK

Art Unit _____ App./Serial # _____

Relevant prior art found

- ☐ 102 rejection
- ☐ 103 rejection
- ☐ Cited as being of interest
- ☐ Helped better understand invention
- ☐ Helped better understand state of the art in technology

Types ☐ Foreign Patent(s) ☐ Non-Patent Literature

Relevant prior art not found

- ☐ Results verified the lack of relevant prior art (helped determine patentability).
- ☐ Results were not useful in determining the patentability or understanding of the invention.

COMMENTS (click below to type)

Questions about the scope or the results of the search?
Contact your EIC searcher or EIC Supervisor.
Please submit completed form to your EIC

12/07

STIC USE ONLY

Today's Date _____

Additional Notes if applicable (please indicate all actions including emails, phone calls, and individuals assisting):

_____

_____

_____

STIC
Scientific & Technical Information Center

EIC 2800
SEARCH REQUEST

297425

Today's Date MAY 2 8 2009

Name Eric Thomas

AU/Org. 2831 Employee # 76204

Bld.&Rm.# Jef. 10D11 Phone 2-1985

Priority App. Filing Date 4-26-05

Case/App. # 11/595883

Format for Search Results

EMAIL ✓ PAPER ___

If this is an Appeals case, check here ☐

Describe this invention in your own words

Synonyms

Additional Comments

Please submit completed form to your EIC.

STIC USE ONLY

Searcher Scott Segal Date Completed 6/1/09

Phone 2-1314 Sources Chemical Abstracts, Derwent, Japio, Lexarepat EAST (US Full US Pub Pub)

.ie MAY 2 8 2009 297425

ERIC THOMAS [eric.thomas@uspto.gov]
Thursday, May 28, 2009 11:26 AM
.o: STIC-EIC2800
Subject: Search Request, Case/Application No.: 11595883

Requester: **ERIC THOMAS (P/2831)**
Art Unit: **GROUP ART UNIT 2831**
Employee Number: **76204**
Office Location: **JEF 10D11**
Phone Number: **(571)272-1985**

Case/Application number: **11595883**
Priority Filing Date: **4/26/05**
Format for Search Results: **Email**
Is this a Board of Appeals case? **No, this is not a Board of Appeals case.**
Describe this invention in your own words:

An electric double layer capacitor (ultracapacitor supercapacitor electrochemical capacitor) having an electrolyte containing a cation and an anion, and a molecular sieve formed on the anode, the positive electrode includes active carbon having a pore, the first molecular sieve is the pore having an average pore radius that allows intrusion of the anion and suppresses intrusion of the cation. An electric double layer capacitor (ultracapacitor supercapacitor electrochemical capacitor) having an electrolyte containing a cation and an anion, and a molecular sieve formed on the anode, the negative electrode includes active carbon having a pore, first molecular sieve is the pore having an average pore radius that allows intrusion of the cation and suppresses intrusion of the anion.

Synonyms:

Additional comments:

Attachment: **No**

Search Histories

11/595,883 5/29/09 **STN**

15:01:09 ON 29 MAY 2009
15:44:16 ON 29 MAY 2009

```
FILE 'HCAPLUS, WPIX, JAPIO, KOREAPAT' ENTERED AT 15:01:31 ON 29 MAY 2009
L1        15864 SEA ABB=ON  (CAPACITOR#)(L)(DOUBLE(W) LAYER?)
L2        23468 SEA ABB=ON  (?CAPACIT?)(L)(DOUBLE(W) LAYER)
L3        10760 SEA ABB=ON  (ELEC## OR ELECTRIC?)(2A)(CAPACITOR)(2A)(DOUBLE(W)LAYER)
L4         4886 SEA ABB=ON  (SUPERCAPACIT####### OR SUPER CAPACIT##### OR
                ULTRACAPACIT####### OR ULTRA CAPACIT#####)
L5         7034 SEA ABB=ON  (V01-B01D OR V01-B01D5 OR X16-L02 OR V01-B01G8D)/MC
L6        35345 SEA ABB=ON  (ELECTROLYTIC)(2A)(CAPACITOR)
L7        36640 SEA ABB=ON  (ELECTROLYTIC CELL)
L8        34038 SEA ABB=ON  (ELECTRIC? OR ELEC## OR CAPACITOR)(L)(DOUBLE(W)LAYER)
L9         4019 SEA ABB=ON  (ELECTROCHEM## OR ELECTRO CHEM## OR ELECTROCHEMICAL?)(3A)(?CAPACITOR?)
L10       28976 SEA ABB=ON  (ELEC## OR ELECTRIC?)(2A)(CAPACITOR)
L11       13396 SEA ABB=ON  (DOUBLELAYER? OR DOUBLE-LAYER OR DOUBLE(W)LAYER)(3A)(CAPACITOR)
L12       27769 SEA ABB=ON  (H01G9-00 OR H01G9-058 OR H01G9-038 OR H01G9-155)/IPC,IC
L13      137792 SEA ABB=ON  (L1 OR L2 OR L3 OR L4 OR L5 OR L6 OR L7 OR L8 OR
                L9 OR L10 OR L11 OR L12)
L14        102 SEA ABB=ON  L13 AND (H02-B01 OR J01-E01B1 OR J01-E02B1 OR
                J01-E03C1 OR J06-B06C1 OR N06 OR N06-A OR N06-B OR E31-P02B)/MC
L15        109 SEA ABB=ON  L13 AND (MOL## OR MOLECULAR####)(2A)(SIEV####)
L16          4 SEA ABB=ON  L13 AND (SIEVE)(1A)(5A OR 5 A OR 4A OR 4 A OR 3A OR 3 A)
L17        239 SEA ABB=ON  L13 AND (ZEOLITE OR ZEOLIT### OR ZEOLITH OR
                ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)
L18      49063 SEA ABB=ON  (ANALCIME OR CHABAZITE OR (ZSM)(W)(5 OR 22 OR 25
                OR 11 OR 5 OR 48 OR 18 OR 13X) OR CLINOPTILOLITE OR FAUJASITE
                OR HEULANDITE OR MORDENITE OR PHILLIPSITE)
L19        966 SEA ABB=ON  (?TUNNEL? OR ?CHANNEL? OR ?PORE? OR ?POROS? OR
                ?POROUS?)(2A)(MNO OR MNO2 OR MNOX OR MN2O3 OR (MANGANESE OR
                MN)(W)(?OXIDE?))
L20         28 SEA ABB=ON  L13 AND (ANALCIME OR CHABAZITE OR (ZSM)(W)(5 OR 22
                OR 25 OR 11 OR 5 OR 48 OR 18 OR 13X) OR CLINOPTILOLITE OR
                FAUJASITE OR HEULANDITE OR MORDENITE OR PHILLIPSITE)
L21         86 SEA ABB=ON  L13 AND (?TUNNEL? OR ?CHANNEL? OR ?PORE? OR
                ?POROS? OR ?POROUS?)(2A)(MNO OR MNO2 OR MNOX OR MN2O3 OR
                (MANGANESE OR MN)(W)(?OXIDE?))
L22       2498 SEA ABB=ON  L13 AND (?POROUS? OR ?POROS? OR ?PORE?)(3A)(MATERIA
                L OR CMP## OR COMPOUND OR CLAY OR ZEOLITE OR ?SILICATE? OR
                ADSORB? OR SORB? OR SORP? OR SOLID OR ADSORP? OR CERAMIC? OR
                ?ALUMINOPHOSPHATE? OR ?BOROPHOSPHATE? OR ?SILICOPHOSPHATE? OR
                ?GLASS? OR POWDER)
L23       3791 SEA ABB=ON  (L14 OR L15 OR L16 OR L17) OR (L19 OR L20 OR L21 OR L22)
L24          2 SEA ABB=ON  L23 AND (MOL## OR MOLECULAR####)(2A)(SIEV####)(4A)(
                ?ANODE? OR ANODIC OR (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L25          0 SEA ABB=ON  L23 AND (SIEVE)(1A)(5A OR 5 A OR 4A OR 4 A OR 3A
                OR 3 A)(4A)(?ANODE? OR ANODIC OR (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L26        210 SEA ABB=ON  L23 AND (?POROUS? OR ?POROS? OR ?PORE?)(3A)(MATERIA
                L OR CMP## OR COMPOUND OR CLAY OR ZEOLITE OR ?SILICATE? OR
                ADSORB? OR SORB? OR SORP? OR SOLID)(4A)(?ANODE? OR ANODIC OR
                (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L27          2 SEA ABB=ON  L23 AND (SIEVE)(4A)(?ANODE? OR ANODIC OR (NEGATIV##
                ## OR NEG##)(2A)(?ELECTRODE?))
L28         56 SEA ABB=ON  L23 AND (?POROUS? OR ?POROS? OR ?PORE?)(3A)(ADSORP?
                 OR CERAMIC? OR ?ALUMINOPHOSPHATE? OR ?BOROPHOSPHATE? OR
                ?SILICOPHOSPHATE? OR MINERAL OR ?GLASS? OR POWDER)(4A)(?ANODE?
                OR ANODIC OR (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L29          4 SEA ABB=ON  L23 AND (ZEOLITE OR ZEOLIT### OR ZEOLITH OR
                ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)(4A)(?ANODE?
                OR ANODIC OR (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L30          1 SEA ABB=ON  L23 AND (ANALCIME OR CHABAZITE OR (ZSM)(W)(5 OR 22
                OR 25 OR 11 OR 5 OR 48 OR 18 OR 13X) OR CLINOPTILOLITE OR
                FAUJASITE OR HEULANDITE OR MORDENITE OR PHILLIPSITE)(4A)(?ANODE
                ? OR ANODIC OR (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L31         20 SEA ABB=ON  L23 AND (?TUNNEL? OR ?CHANNEL? OR ?PORE? OR
                ?POROS? OR ?POROUS?)(2A)(MNO OR MNO2 OR MNOX OR MN2O3 OR
                (MANGANESE OR MN)(W)(?OXIDE?))(4A)(?ANODE? OR ANODIC OR
                (NEGATIV#### OR NEG##)(2A)(?ELECTRODE?))
L32        284 SEA ABB=ON  (L24 OR L25 OR L26 OR L27 OR L28 OR L29 OR L30 OR L31)
```

```
L33          30 SEA ABB=ON  L23 AND (ACTIV#######)(2A)(CARBON OR CHARCOAL OR C
                OR COAL)(4A)(?CATHODE? OR CATHODIC OR (POSITIV### OR POS##)(2A)(?ELECTRODE?))
L34          34 SEA ABB=ON  L23 AND (?POROS? OR ?PORE? OR ?POROUS? OR SURFACE
                AREA OR AEROGEL OR AERO GEL OR MONOLITH?)(2A)(CARBON OR
                CHARCOAL OR C OR COAL)(4A)(?CATHODE? OR CATHODIC OR (POSITIV###
                OR POS##)(2A)(?ELECTRODE?))
L35          57 SEA ABB=ON  (L33 OR L34)
L36          17 SEA ABB=ON  L32 AND L35
L37           0 SEA ABB=ON  L23 AND (PREVENT##### DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CATIO
                N#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR
                MOLECULAR####)(2A)(SIEV####)
L38           0 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID##### OR AVOID####)(
                4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL##
                OR MOLECULAR####)(2A)(SIEV####)
L39           1 SEA ABB=ON  L23 AND (HINDER##### OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL##
                OR MOLECULAR####)(2A)(SIEV####)
L40           0 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR MOLECULAR####)(2A)(SIEV####)
L41           0 SEA ABB=ON  L23 AND (PREVENT##### DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CATIO
                N#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(SIEVE OR
                ZEOLITE OR ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM OR
                ZEOLYST OR ZEOMIC OR ZEOSORB)
L42           0 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID##### OR AVOID####)(
                4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(SIEVE
                OR ZEOLITE OR ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM)
L43           1 SEA ABB=ON  L23 AND (HINDER##### OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(SIEVE
                OR ZEOLITE OR ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM OR
                ZEOLYST OR ZEOMIC OR ZEOSORB)
L44           0 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))(4A)(SIEVE OR ZEOLITE OR
                ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)
L45           4 SEA ABB=ON  L23 AND (CATION### OR (POSITIV###### OR POS##)(2A)(
                ION))(4A)(SIEVE OR ZEOLITE)
L46           0 SEA ABB=ON  L23 AND (MINIMIZ? OR DIMINUT#### OR DIMINISH? OR
                MINIFY### OR MINIFIE# OR CURB#### OR LOWER####)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))(4A)(SIEVE OR ZEOLITE OR
                ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)
L47           0 SEA ABB=ON  L23 AND (PREVENT##### DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CATIO
                N#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR
                MOLECULAR####)(2A)(SIEV####)
L48           1 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID##### OR AVOID####)(
                4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))
L49           6 SEA ABB=ON  L23 AND (HINDER##### OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))
L50           1 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))
L51           0 SEA ABB=ON  L23 AND (MINIMIZ? OR DIMINUT#### OR DIMINISH? OR
                MINIFY### OR MINIFIE# OR CURB#### OR LOWER####)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))
L52           0 SEA ABB=ON  L23 AND (PREVENT##### DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CATIO
                N#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR
                MOLECULAR####)(2A)(SIEV####)
L53           3 SEA ABB=ON  L23 AND (SIEV####)(4A)(ANION### OR (NEGATIVE####)(2A)(ION))
L54           0 SEA ABB=ON  L23 AND (ZEOLITE OR ZEOLIT### OR ZEOLITH OR
                ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)(4A)(ANION###
                OR (NEGATIVE####)(2A)(ION))
L55           0 SEA ABB=ON  L23 AND (ANALCIME OR CHABAZITE OR (ZSM)(W)(5 OR 22
                OR 25 OR 11 OR 5 OR 48 OR 18 OR 13X) OR CLINOPTILOLITE OR
```

```
                FAUJASITE OR HEULANDITE OR MORDENITE OR PHILLIPSITE)(4A)(ANION#
                ## OR (NEGATIVE####)(2A)(ION))
L56          3 SEA ABB=ON  L23 AND (?TUNNEL? OR ?CHANNEL? OR ?PORE? OR
                ?POROS? OR ?POROUS?)(2A)(MNO OR MNO2 OR MNOX OR MN2O3 OR
                (MANGANESE OR MN)(W)(?OXIDE?))(4A)(ANION### OR (NEGATIVE####)(2A)(ION))
L57         20 SEA ABB=ON  L23 AND (PREVENT? DISALLOW? OR LESS##### OR
                REDUC##### OR DECREAS? OR IMPED##### OR STOP#####)(3A)(INTRUS##
                ### OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR SORB? OR
                ENTRANCE OR PASS##### OR INTRUD? OR IMPING? OR ACCESS? OR PASSAGE? OR ACCESS?)
L58          1 SEA ABB=ON  L23 AND (PREVENT##### OR DISALLOW? OR LESS#######
                OR REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CA
                TION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR
                MOLECULAR####)(2A)(SIEV####)
L59          0 SEA ABB=ON  L23 AND (PREVENT? OR DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CATIO
                N#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(ZEOLITE OR
                ZEOLIT### OR ZEOLITH OR ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)
L60          1 SEA ABB=ON  L23 AND (PREVENT##### OR DISALLOW? OR LESS#######
                OR REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CA
                TION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR
                MOLECULAR####)(2A)(SIEV####)
L61          1 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID##### OR AVOID####)(
                4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))
L62          6 SEA ABB=ON  L23 AND (HINDER##### OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (4A)(CATION#### OR (POSITIV##### OR POS##)(2A)(ION))
L63          1 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))
L64          0 SEA ABB=ON  L23 AND (MINIMIZ? OR DIMINUT#### OR DIMINISH? OR
                MINIFY### OR MINIFIE# OR CURB#### OR LOWER####)(4A)(CATION####
                OR (POSITIV##### OR POS##)(2A)(ION))
L65          1 SEA ABB=ON  L23 AND (PREVENT##### OR DISALLOW? OR LESS#######
                OR REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(4A)(CA
                TION#### OR (POSITIV##### OR POS##)(2A)(ION))(4A)(MOL## OR MOLECULAR####)(2A)(SIEV####)
L66        170 SEA ABB=ON  L23 AND (MOLECULAR OR MOL##)(2A)(SIEV####)
L67        220 SEA ABB=ON  L23 AND ZEOLITE
L68          3 SEA ABB=ON  L23 AND (SIEV####)(4A)(ANION### OR (NEGATIVE####)(2A)(ION))
L69          0 SEA ABB=ON  L23 AND (ZEOLITE OR ZEOLIT### OR ZEOLITH OR
                ZEOFILL OR ZEOLUM OR ZEOLYST OR ZEOMIC OR ZEOSORB)(4A)(ANION###
                OR (NEGATIVE####)(2A)(ION))
L70          3 SEA ABB=ON  L23 AND (?TUNNEL? OR ?CHANNEL? OR ?PORE? OR
                ?POROS? OR ?POROUS?)(2A)(MNO OR MNO2 OR MNOX OR MN2O3 OR
                (MANGANESE OR MN)(W)(?OXIDE?))(4A)(ANION### OR (NEGATIVE####)(2A)(ION))
L71         35 SEA ABB=ON  L23 AND (PREVENT? OR DISALLOW? OR LESS##### OR
                REDUC##### OR DECREAS? OR IMPED##### OR STOP#####)(3A)(INTRUS##
                ### OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR SORB? OR
                ENTRANCE OR PASS##### OR INTRUD? OR IMPING? OR ACCESS? OR PASSAGE? OR ACCESS?)
L72         13 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID##### OR AVOID####)(
                3A)(INTRUS##### OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR
                SORB? OR ENTRANCE OR PASS#### OR INTRUD? OR IMPING? OR ACCESS? OR PASSAGE? OR ACCESS?)
L73         12 SEA ABB=ON  L23 AND (HINDER##### OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (3A)(INTRUS##### OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR
                SORB? OR ENTRANCE OR PASS##### OR INTRUD? OR IMPING? OR
                ACCESS? OR PASSAGE? OR ACCESS?)
L74          2 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(3A)(INTRUS#####
                 OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR SORB? OR ENTRANCE
                OR PASS##### OR INTRUD? OR IMPING? OR ACCESS? OR PASSAGE? OR ACCESS?)
L75          6 SEA ABB=ON  L23 AND (MINIMIZ? OR DIMINUT#### OR DIMINISH? OR
                MINIFY### OR MINIFIE# OR CURB#### OR LOWER####)(3A)(INTRUS#####
                 OR ADSORB? OR ABSORB? OR ENTRY OR SORP? OR SORB? OR ENTRANCE
                OR PASS##### OR INTRUD? OR IMPING? OR ACCESS? OR PASSAGE? OR ACCESS?)
L76        243 SEA ABB=ON  L23 AND (PREVENT? OR DISALLOW? OR LESS####### OR
                REDUC##### OR DECREAS#### OR IMPED##### OR STOP#####)(3A)(TUNNE
                L? OR PATH### OR OPENING OR APERTURE OR ORIFICE OR HOLE OR
                ?PORE? OR ?POROUS? OR ?POROS? OR (GOING OR COME OR GO)(W)(INTO)
                 OR INSIDE OR INTO OR ENTER####)
L77        100 SEA ABB=ON  L23 AND (LOW OR AVOID##### OR PROHIBIT? OR HAMPER?
                OR AVERT#### OR BLOCK### OR DETER OR FORBID? OR AVOID####)(3A)(
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                TUNNEL? OR PATH### OR OPENING OR APERTURE OR ORIFICE OR HOLE
                OR ?PORE? OR ?POROUS? OR ?POROS? OR (GOING OR COME OR GO)(W)(IN
                TO) OR INSIDE OR INTO OR ENTER?)
L78          92 SEA ABB=ON  L23 AND (HINDER? OR INHIBIT? OR LIMIT#### OR
                OBSTRUCT? OR RESIST#### OR SUPPRESS? OR PASSIVAT? OR RESTRICT?)
                (3A)(TUNNEL? OR PATH### OR OPENING OR APERTURE OR ORIFICE OR
                HOLE OR ?PORE? OR ?POROUS? OR ?POROS? OR (GOING OR COME OR
                GO)(W)(INTO) OR INSIDE OR INTO OR ENTER?)
L79           2 SEA ABB=ON  L23 AND (RESTRICT##### OR REPRESS? OR MITIGAT####
                OR ABAT### OR ABATEMENT OR MINIMAL OR MINIMIS?)(3A)(TUNNEL? OR
                PATH### OR OPENING OR APERTURE OR ORIFICE OR HOLE OR ?PORE? OR
                ?POROUS? OR ?POROS? OR (GOING OR COME OR GO)(W)(INTO) OR INSIDE OR INTO OR ENTER####)
L80          26 SEA ABB=ON  L23 AND (MINIMIZ? OR DIMINUT#### OR DIMINISH? OR
                MINIFY### OR MINIFIE# OR CURB#### OR LOWER####)(3A)(TUNNEL? OR
                PATH### OR OPENING OR APERTURE OR ORIFICE OR HOLE OR ?PORE? OR
                ?POROUS? OR ?POROS? OR (GOING OR COME OR GO)(W)(INTO) OR INSIDE OR INTO OR ENTER####)
L81          52 SEA ABB=ON  (L36 OR L37 OR L38 OR L39 OR L40 OR L41 OR L42 OR
                L43 OR L44 OR L45 OR L46 OR L47 OR L48 OR L49 OR L50 OR L51 OR
                L52 OR L53 OR L54 OR L55 OR L56 OR L57 OR L58 OR L59 OR L60 OR
                L61 OR L62 OR L63 OR L64 OR L65) OR (L68 OR L69 OR L70)
L82         817 SEA ABB=ON  (L36 OR L37 OR L38 OR L39 OR L40 OR L41 OR L42 OR
                L43 OR L44 OR L45 OR L46 OR L47 OR L48 OR L49 OR L50 OR L51 OR
                L52 OR L53 OR L54 OR L55 OR L56 OR L57 OR L58 OR L59 OR L60 OR
                L61 OR L62 OR L63 OR L64 OR L65 OR L66 OR L67 OR L68 OR L69 OR
                L70 OR L71 OR L72 OR L73 OR L74 OR L75 OR L76 OR L77 OR L78 OR L79 OR L80)
L83          30 SEA ABB=ON  L82 AND (H01G9-038)/IPC,IC
L84         289 SEA ABB=ON  L82 AND ELECTROLYTE
L85         175 SEA ABB=ON  L82 AND (POLYELECTROLYTE OR POLY(W) ELECTROLYTE OR
                (ELECTROLYT###)(2A)(SLN## OR SOLUTION) OR SALT OR TETRAFLUOROBO
                RATE OR TETRA(W) FLUOROBORATE OR TETRAFLUORO(W) BORATE OR
                ?IMIDAZOLIUM? OR IONOPHORE OR IONENE OR ?ALLYAMINE HCL? OR ?ALLYAMINE HYDROCHLORIDE?)
L86         355 SEA ABB=ON  (L83 OR L84 OR L85)
L87          72 SEA ABB=ON  L86 AND (ACTIV#########)(2A)(CARBON OR C OR CHARCOAL OR COAL)
L88          66 SEA ABB=ON  L86 AND (MOLECULAR OR MOL##)(3A)(SIEV#####)
L89          15 SEA ABB=ON  L87 AND L88
L90           2 SEA ABB=ON  L82 AND (MOLECULAR OR MOL###)(2A)(SIEV####)(5A)(ANION)
L91           2 SEA ABB=ON  L82 AND (MOLECULAR OR MOL###)(2A)(SIEV####)(10A)(ANION)
L92           2 SEA ABB=ON  L82 AND (MOLECULAR OR MOL###)(2A)(SIEV####)(10A)(CATION)
L93           1 SEA ABB=ON  L82 AND (MOLECULAR OR MOL###)(2A)(SIEV####)(10A)(PO
                SITIV#### OR POS## OR NEGATIV#### OR NEG###)(2A)(ION)
L94           7 SEA ABB=ON  L82 AND (ANION)(5A)(CATION)
L95         174 SEA ABB=ON  L81 OR L83 OR (L87 OR L88 OR L89 OR L90 OR L91 OR L92 OR L93 OR L94)
L96         125 SEA ABB=ON  L95 AND ELECTROLYTE
L97           6 SEA ABB=ON  L95 AND (ELECTROLYTE)(4A)(CATION OR ANION)
L98          31 SEA ABB=ON  L95 AND (?PORE?)(3A)(RADIUS OR DIAMETER OR DIMENSION#### OR SIZ###)
L99          24 SEA ABB=ON  L96 AND L98
L100          2 SEA ABB=ON  L95 AND (RADIUS OR RADII OR DIAMETER OR DIMENSION
                OR SIZE)(4A)(MOLECULAR OR MOL##)(2A)(SIEVE)
L101          0 SEA ABB=ON  L84 AND (PASS#######)(3A)(ANION)
L102         13 SEA ABB=ON  L95 AND (VOLTAGE)(3A)(HIGH#### OR INCREAS#### OR AUGMENT? OR RAIS? OR Allow?)
L103          0 SEA ABB=ON  L95 AND (H01G9?)/IPC,IC
L104         82 SEA ABB=ON  L95 AND (H01G?)/IPC,IC
L105         30 SEA ABB=ON  L95 AND (H01G9-038)/IPC,IC
L106         68 SEA ABB=ON  L95 AND (MOL## OR MOLECULAR####)(2A)(SIEV####)
L107          5 SEA ABB=ON  L95 AND (H02-B01 OR J01-E01B1 OR J01-E02B1 OR
                J01-E03C1 OR J06-B06C1 OR N06 OR N06-A OR N06-B OR E31-P02B)/MC
L108         69 SEA ABB=ON  L95 AND (H01G9-00 OR H01G9-058 OR H01G9-038 OR H01G9-155)/IPC,IC
L109         35 SEA ABB=ON  L95 AND (V01-B01D OR V01-B01D5 OR X16-L02 OR V01-B01G8D)/MC
L110        141 SEA ABB=ON  (L89 OR L90 OR L91 OR L92 OR L93 OR L94) OR (L97
            OR L98 OR L99 OR L100 OR L101 OR L102 OR L103 OR L104 OR L105 OR L106 OR L107 OR L108 OR L109)
L111         35 SEA ABB=ON  (L37 OR L38 OR L39 OR L40 OR L41 OR L42 OR L43 OR
                L44 OR L45 OR L46 OR L47 OR L48 OR L49 OR L50 OR L51 OR L52 OR
                L53 OR L54 OR L55 OR L56 OR L57 OR L58 OR L59 OR L60 OR L61 OR L62 OR L63 OR L64 OR L65)
L112        164 SEA ABB=ON  L110 OR L111
L113        142 SEA ABB=ON  L112 AND P/DT
L114         22 SEA ABB=ON  L112 NOT L113
L115         10 SEA ABB=ON  L114 NOT 2005-2009/PY
L116        104 SEA ABB=ON  L113 AND 1980-2004/PRY,PY
L117         72 SEA ABB=ON  L113 AND 2005-2009/PRY,PY
L118         70 SEA ABB=ON  L113 NOT L117
L119        117 SEA ABB=ON  L118 OR L116 OR L115
L120         43 SEA ABB=ON  L119 AND (MOLECULAR OR MOL##)(2A)(SIEV#####)
L121         31 SEA ABB=ON  L119 AND (ZEOLIT###)
L122         60 SEA ABB=ON  (L120 OR L121)
             D L119 ALL MEMBB 1-117
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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	21669	((molecular adj siev$3) or zeolit$3) and (activat$5 or active) near2 (carbon$5 or C or charcoal or coal)	US-PGPUB; USPAT	OR	ON	2009/06/01 10:09
L2	92	l1 and (capacitor or ultracapacitor or (ultra adj capacitor) or supercapacitor or (super adj capacitor)) near4 (electrolyt$4 or doublelayer or (double adj layer))	US-PGPUB; USPAT	OR	ON	2009/06/01 10:10
L3	1	l2 and ((molecular adj siev$3) or zeolit$3) near3 (anod$3 or microanod$3 or nanoanod$3 or (negativ$4 or neg$2) adj (electrode))	US-PGPUB; USPAT	OR	ON	2009/06/01 10:12
L4	6	l2 and ((molecular adj siev$3) or zeolit$3) near6 (anod$3 or microanod$3 or nanoanod$3 or (negativ$4 or neg$2) adj (electrode) or anode or electrode)	US-PGPUB; USPAT	OR	ON	2009/06/01 10:15

562A

United States Patent [19]

Okamura

er: 6,064,562

t: May 16, 2000

Full-text of US 6,064,562 (From Foreign Search Report)

[54] **ELECTRIC DOUBLE LAYER CAPACIT**

[75] Inventor: **Michio Okamura**, Kanagawa, Ja

[73] Assignee: **JEOL Ltd.**, Tokyo, Japan

[21] Appl. No.: **09/135,906**

[22] Filed: **Aug. 18, 1998**

[30] **Foreign Application Priority Data**

Aug. 21, 1997 [JP] Japan 9-224890

[51] **Int. Cl.**[7] **H01G 9/048**; H01G 9/04

[52] **U.S. Cl.** **361/502**; 361/532; 361/516

[58] **Field of Search** 361/503, 528, 361/532, 535, 502, 504, 508, 512, 526, 525, 521, 534, 305

[56] **References Cited**

U.S. PATENT DOCUMENTS

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et al. 502/427
..... 361/502

T DOCUMENTS

2847 3/1982 Japan .
61-203614 9/1986 Japan .
407220985A 8/1995 Japan 361/502
11067608A 3/1999 Japan 361/502

Primary Examiner—Kristine Kincaid
Assistant Examiner—Mohamed ELGazzar
Attorney, Agent, or Firm—Webb Ziesenheim Logsdon Orkin & Hanson, P.C.

[57] **ABSTRACT**

An electric double layer capacitor having a large electrostatic capacity and a small internal resistance. This capacitor has positive and negative polarizing electrodes made of two kinds of carbonous material (such as activated carbon), respectively. These two kinds of activated carbons have different distributions of pore diameters.

3 Claims, No Drawings

ELECTRIC DOUBLE LAYER CAPACITOR

FIELD OF THE INVENTION

The present invention relates to an electric double layer capacitor and, more particularly, to an electric double layer capacitor having a large electrostatic capacity.

BACKGROUND OF THE INVENTION

In an electric double layer capacitor, a polarizing electrode including activated carbon is fabricated by kneading the activated carbon together with an electrically conducting material and a bonding material. Another known electric double layer capacitor is fabricated by mixing activated carbon and uncarbonized phenol resin, sintering the mixture to form solid electrodes acting as positive and negative electrodes, respectively, placing these two electrodes on opposite sides of a separator, bringing electric charge collectors into contact with the electrodes and impregnating the electrodes with an aqueous or nonaqueous electrolyte. It is common practice to fabricate the positive and negative electrodes from the same amount of the same material.

Japanese Unexamined Patent Publication No. 203614/1986 describes an electric double layer capacitor having positive and negative electrodes fabricated from the same amount of the same material. These two electrodes are equal in electrostatic capacity. This Japanese Publication states that when the capacitor is charged and discharged with a voltage corresponding to the withstand voltage, deterioration of the internal resistance and the electrostatic capacity is observed. Deterioration of the characteristics due to high-voltage application is prevented by matching the electrostatic capacities of the positive and negative polarizing electrodes to the ratio of the inverses of the reaction potentials of the positive and negative electrodes, respectively, when the null potential of the potential-current characteristic curve is used as a reference.

Japanese Patent Publication No. 847/1990 describes a method of moderating similar problems. This is achieved by making different the amounts of positive and negative polarizing electrodes. However, careful observation of the charging and discharging operation of the capacitor having this structure reveals the following problem. When the power supply is turned on, i.e., in the initial stage of charging, the voltages that the positive and negative electrodes must bear, respectively, are distributed according to the inverse proportion to electrostatic capacity. As the charging and discharging are repeated, the voltages that the electrodes must bear are distributed gradually at the ratio of leakage resistances. Consequently, the original purpose cannot be achieved.

SUMMARY OF THE INVENTION

It is an object of the present invention to provide an electric double layer capacitor to which a large energy density is imparted by using polarizing electrodes adapted for the positive and negative electrodes, respectively.

This object is achieved by an electric double layer capacitor having positive and negative polarizing electrodes consisting of carbonous electrodes having different distributions of pore diameters.

The present invention also provides an electric double layer capacitor comprising a positive polarizing electrode, a negative polarizing electrode and an electrolyte present between these two electrodes. Carbonous electrodes having average pore diameters corresponding to the ion diameters of cations and anions collected to negative and positive electrodes, respectively, are used as negative and positive polarizing electrodes, respectively.

In an electric double layer capacitor in accordance with the invention, carbonous electrodes are used as positive and negative electrodes, respectively. The carbonous electrodes have pore diameter distributions corresponding to the effective sizes of ions of cations and anions of an electrolyte, including the salvation of the ions and other phenomena. The positive and negative electrodes are fabricated as their respective optimum polarizing electrodes by using the carbonous electrodes of pore diameter distributions adapted for the diameters of their respective ions of the electrolyte.

In the present invention, the pore diameters of the polarizing electrodes used as the positive and negative electrodes, respectively, are correlated with the effective ion diameters produced by the effects of ionization of the electrolyte and their solvations. For example, where the diameter of the cations is larger than that of the anions, the pore diameter of the negative polarizing electrode is selected to be larger than that of the positive polarizing electrode according to the diameters of the cations and anions.

For instance, where tetraethylammonium tetrafluoroborate is used as an electrolyte, it is estimated that the ion diameter of cations consisting of tetraethylammonium is 0.34 nm (nanometers) and the ion diameter of anions consisting of tetrafluoroborate is 0.22 nm. Accordingly, if the effective ion diameters including the salvation are in proportion to the above-described estimated values, it is reasonable to fabricate the negative electrode from activated carbon having larger pore diameters, because larger ions are collected to the negative electrode compared with the positive electrode.

In an electric double layer capacitor, if a single layer of ions is formed on the surfaces of pores in the carbonous electrodes of activated carbon, the number of ions that can be contained in the layer is in inverse proportion to the squares of the ion radius. However, if the pore diameter is not sufficiently larger than the ion diameter, and if the pore walls are not flat, the number of microscopic spherical bodies that can be packed in a unit volume is in proportion to the cube of the radius. If we make a moderate assumption that the number is in proportion to the square of the ion diameter taking account of various effects, such as the actual shapes of pores and the solvations of the ions, the number of cations that can be packed in a unit volume on the positive side is greater than the number of anions packed in a unit volume on the negative side by a factor of $0.34^2/0.22^2=2.4$.

Where tetraethylammonium tetrafluoroborate is used as an electrolyte, two kinds of activated carbon are prepared to form carbonous electrodes as positive and negative electrodes, respectively. These two kinds of activated carbon have narrow distributions of pore diameters, and have the most frequently occurring values a and b, respectively. The ratio of these values a and b is a:b=0.34:0.22. The negative electrode is fabricated from the activated carbon of greater pore diameters. The positive electrode is fabricated from the activated carbon of smaller pore diameters. A capacitor is fabricated using a combination of these electrodes. In consequence, an electric double layer capacitor whose electrostatic capacity and internal resistance both have excellent characteristics can be obtained.

Other objects and features of the invention will appear in the course of the description thereof, which follows.

DESCRIPTION OF THE PREFERRED EMBODIMENT

EXAMPLE AND COMPARATIVE EXAMPLE

First, 82 mg of activated carbon having an average pore diameter of 1.6 nm (measured by the nitrogen adsorption

method), 9 mg of carbon black and 9 mg of powdered polytetrafluoroethylene were mixed and compacted into a disk having a diameter of 20 mm. The disk was placed in a vacuum desiccator. The inside of this desiccator was evacuated to 10^{-2} torr. The disk was dried at 110° C. for four hours to fabricate a polarizing electrode A.

A polarizing electrode B was fabricated similarly to the polarizing electrode A except that activated carbon having an average pore diameter of 1.1 nm was used.

The polarizing electrodes A and B were compressed in a glove box and placed on top of each other via a glass fiber separator 100 μm thick. The outer surface of each polarizing electrode was held between electric charge-collecting electrodes of aluminum, thus forming capacitor elements.

The capacitor elements were put into a hermetic container of aluminum. An electrolyte was prepared by dissolving 1 mol of tetraethylammonium tetrafluoroborate in propylene carbonate. The capacitor elements were immersed with a sufficient amount of the electrolyte. The opening of the container was sealed with an O-ring. In this way, an electric double layer capacitor used for testing was fabricated.

A charging and discharging cycle test was conducted on this electric double layer capacitor under conditions of a full charge voltage of 2.3 V and a current of 5 mA. To avoid the effects of initial characteristics, the electrostatic capacity and the internal resistance were measured at the third cycle. The results are given in Table 1 below.

TABLE 1

	negative electrode	positive electrode	electrostatic capacity (F/cm^3)	internal resistance (Ω/m)
capacitor 1	A	B	26.6	24
capacitor 2	A	A	20.8	23
capacitor 3	B	B	27.5	257
capacitor 4	B	A	18.8	243

It can be seen from Table 1 that the capacitor 2 is slightly lower in internal resistance than the capacitor 1, but the capacitor 1 is greater than the capacitor 2 in electrostatic capacity by 30%. Since they differ only slightly in internal resistance, the capacitor 1 having the greater electrostatic capacity is much superior to the capacitor 2.

The capacitor 3, whose positive and negative electrodes are both made of the polarizing electrode B, is slightly higher in electrostatic capacity than the capacitor 1. However, the capacitor 3 is greater than the capacitor 1 in internal resistance by a factor of more than ten.

The capacitor 4 whose negative and positive electrodes are made of the polarizing electrodes B and A, respectively, has the lowest electrostatic capacity. In addition, its internal resistance is high. The capacitor 4 has the worst characteristics among these four capacitors.

As described thus far in the present invention, positive and negative polarizing electrodes are made of two kinds of activated carbon having different distributions of pore diameters. Hence, an electric double layer capacitor having both excellent electrostatic capacity characteristics and excellent internal resistance characteristic can be obtained.

Having thus described my invention with the detail and particularity required by the Patent Laws, what is desired protected by Letters Patent is set forth in the following claims.

What is claimed is:

1. An electric double layer capacitor comprising:

a positive polarizing electrode made of a first kind of carbonous material having a first distribution of pore diameters; and

a negative polarizing electrode made of a second kind of carbonous material having a second distribution of pore diameters, said second distribution being different from said first distribution.

2. An electric double layer capacitor comprising:

a positive polarizing electrode made of a first kind of carbonous material, said positive electrode collecting anions, said first kind of carbonous material having an average pore diameter corresponding to ion diameter of said anions;

a negative polarizing electrode made of a second kind of carbonous material collecting cations, said second kind of carbonous material having an average pore diameter corresponding to ion diameter of said cations; and

an electrolyte existing between said positive and negative electrodes.

3. The electric double layer capacitor of claim 2, wherein said carbonous material consists of activated carbon.

* * * * *

11/595,883 5/29/09 **STN**

L119 ANSWER 45 OF 117 COPYRIGHT THOMSON REUTERS on STN
AN 2005-811897 [82] WPIX
DNN N2005-673185 [82]
TI **Electric-double layer capacitor** has **molecular sieving** unit that **prevents** adsorption of **cation** and **anion** in **electrolyte** to anode and cathode surfaces, respectively
DC V01
IN MAESHIMA H
PA (MATU-C) MATSUSHITA ELECTRIC IND CO LTD
~~CYC 108~~
PI WO 2005112057 A1 20051124 (200582)* JA 32[13]
~~EP 1746612 A1 20070124~~ (200708) EN
US 20070058327 A1 20070315 (200722) EN
CN 1954398 A 20070425 (200759) ZH
~~JP 2006513517 X 20080327~~ (200824) JA 36
PRAI **JP 2004-143449 20040513**
IPCI ~~**H01G0009-00 [I,A]; H01G0009-00**~~ [I,C];
H01G0009-022 [I,C]; **H01G0009-038** [I,A];
H01G0009-058 [I,A]; **H01G0009-058** [I,C];
H01G0009-058 [I,C]
IPCR **H01G0009-00** [I,A]; **H01G0009-00** [I,C];
H01G0009-058 [I,A]; **H01G0009-058** [I,C];
H01G0009-155 [I,A]; **H01G0009-155** [I,C]

NOVELTY - The **capacitor** has a **molecular sieving** unit that prevents one or both of the adsorption of **cation** to anode surface and adsorption of anion to cathode surface, from the **electrolyte.**
DETAILED DESCRIPTION - An INDEPENDENT CLAIM is also included for production method of **electric double layer capacitor.**
USE - **Electric-double layer capacitor.**
ADVANTAGE - Provides **capacitor** with **high** withstand **voltage** and thereby **increasing** the life time of the **capacitor.**
DESCRIPTION OF DRAWINGS - The figure shows a side sectional view of the **electric-double layer capacitor** .

MC EPI: **V01-B01D; V01-B01G8D**

11/595,883 5/29/09 **STN**

L119 ANSWER 11 OF 117 COPYRIGHT ACS on STN
AN 2003:611536 HCAPLUS
TI Metal-oxygen **electrolytic cell** with electrolyte chamber for **limiting** passage of **cations** from the cathode side
IN Damery, Emmanuel; Marsacq, Didier
PA Commissariat a L'energie Atomique, Fr.
SO Fr. Demande, 24 pp.
CODEN: FRXXBL
DT **Patent**
LA French

	PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
PI	FR 2835656	A1	20030808	FR 2002-5846	20020513 <--
PRAI	FR 2002-5846		20020513 <--		

AB A metal-oxygen-type **electrolytic cell**, especially for batteries, consists of a metal anode, an oxygen (i.e., air) cathode, and an electrolyte between the two electrodes, such that two zones are located within the electrolyte-containing compartment, one of which contains a **porous material** impregnated with a liquid OH--containing electrolyte, and a second zone that contains a solid anion exchanger. These two zones are designed to limit the passage of potentially interfering cations into the liquid electrolyte, especially to limit the effects of carbonation, generally at the cathode-electrolyte interface and to limit the co-precipitation of metal complexes at the anode-electrolyte interface. Polymeric anion exchange resins are selected from polyepichlorohydrins, derivatized polystyrenes and polysulfones, polyethersulfones, poly(vinylidene difluoride), and sulfonium- and quaternary ammonium-derivatized styrene-tetrafluoroethylene graft copolymers.

IT Fluoropolymers, uses
RL: DEV (Device component use); USES (Uses)
(anion exchanger and porous support, for electrolyte chamber; metal-oxygen **electrolytic cell** with electrolyte chamber for **limiting** passage of **cations** from the cathode side)

IT Epoxy resins, uses
Polysulfones, uses
RL: DEV (Device component use); USES (Uses)
(**anion** exchanger, for **electrolyte** chamber; metal-oxygen **electrolytic cell** with electrolyte chamber for **limiting** passage of **cations** from the cathode side)

IT Anion exchangers
Battery anodes
Battery cathodes
Electrolytic cells
(metal-oxygen **electrolytic cell** with electrolyte chamber for **limiting** passage of **cations** from the cathode side)

IT Polysulfones, uses
RL: DEV (Device component use); USES (Uses)
(polyether-, **anion** exchanger, for **electrolyte** chamber; metal-oxygen **electrolytic cell** with electrolyte chamber for **limiting** passage of **cations** from the cathode side)

L119 ANSWER 71 OF 117 COPYRIGHT THOMSON REUTERS on STN
AN 2000-372377 [32] WPIX
DNC C2000-112703 [32]
DNN N2000-279402 [32]
TI **Electrical double layer capacitor**
for use in energy storage apparatus, has polarizable anode and non-polarizable cathode with predetermined surface area
DC L03; V01
IN HIRAHARA S; MATSUURA K
PA (MITU-C) MITSUBISHI CHEM CORP
CYC 1
PI JP 2000124084 A 20000428 (200032)* JA 9[1] <--
JP 3807854 B2 20060809 (200652) JA 13
ADT JP 2000124084 A JP 1998-294794 19981016; JP 3807854 B2 JP 1998-294794 19981016
FDT JP 3807854 B2 Previous Publ JP 2000124084 A
PRAI **JP 1998-294794 19981016**
IPCI C01B0031-00 [I,C]; C01B0031-02 [I,A]; C01B0031-08 [I,A];
H01G0009-022 [I,C]; **H01G0009-038** [I,A];
H01G0009-058 [I,A]; **H01G0009-058** [I,C]
IPCR C01B0031-00 [I,C]; C01B0031-02 [I,A]; C01B0031-08 [I,A];
H01G0009-022 [I,C]; **H01G0009-038** [I,A];
H01G0009-058 [I,A]; **H01G0009-058** [I,C]
AB JP 2000124084 A UPAB: 20050411
NOVELTY - **Electrical double layer capacitor** has polarizable **anode** (2) consisting of **porous** carbon **material** having specific surface area of 10-3000 m2/g by nitrogen adsorption (NA), and a non-polarizable cathode (5), which occludes lithium ion to carbon material, having specific surface area of 1.8-12 m2/g by NA and has specific gravity of 1.80-2.23 g/cm3.
DETAILED DESCRIPTION - **Electrical double layer capacitor** comprises a non-aqueous **electrolyte**, polarizable anode and non-polarizable negative **electrode.** The polarizable **positive electrode** consisting of **porous carbon material** has specific surface area of 10-3000 m2/g by NA. The non-polarizable cathode which occludes lithium ion to carbon material having specific surface area of 1.8-12 m2/g by NA, has specific gravity of 1.80-2.23 g/cm3. The maximum permitted applied voltage of the **electrical double layer capacitor** is 3.35 V or more. The maximum electrode current density during charging and discharging of the **electrical double layer capacitor** is 1.5 mA/cm2 or more.
USE - For **electric** vehicle, supplementary power supply and energy storage apparatus.
ADVANTAGE - The **electrical double layer capacitor** having high energy density has good cycle characteristics and withstands **high voltage.** DESCRIPTION OF DRAWINGS - The figure shows the explanatory drawing of a coin type **electrical double layer capacitor.**
Anode (2)
Cathode (5)

L119 ANSWER 88 OF 117 COPYRIGHT THOMSON REUTERS on STN
AN 1991-151354 [21] WPIX
DNC C1991-065389 [21]
DNN N1991-116050 [21]
TI **Electric double layer capacitor** with reduced equivalent series resista - has **block active carbon porous material** as polarisation electrode, and acid **electrolyte** NoAbstract Dwg 1/1
DC L03; V01; X16
IN SAITO T; TABUCHI J
PA (NIDE-C) NEC CORP
CYC 1
PI JP 03084915 A 19910410 (199121)* JA <--
ADT JP 03084915 A JP 1989-223438 19890829
PRAI **JP 1989-223438 19890829**
IPCR **H01G0009-00** [I,A]; **H01G0009-00** [I,C]; **H01G0009-058** [I,A]; **H01G0009-058** [I,C]; **H01G0009-155** [I,A]; **H01G0009-155** [I,C]
MC CPI: L03-B03A
EPI: **V01-B01D; X16-L02**

L119 ANSWER 48 OF 117 COPYRIGHT THOMSON REUTERS on STN
AN 2005-309343 [32] WPIX
DNC C2005-096015 [32]
DNN N2005-252818 [32]
TI **Electrical double layer capacitor** used in **electric** power storage device has electrode **material** having **pore** immersed in **electrolytic solution** containing **electrolyte** ion of preset diameter
DC L03; V01; X16
IN KUME T; MOGAMI A; SHIMIZU T
PA (CATA-N) CATALER IND CO LTD; (NIDS-C) JEOL CO LTD; (TOYT-C) TOYOTA JIDOSHA KK
PI **JP 2005086113 A 20050331** (200532)* JA 10[2]
~~JP 4053955 B2~~ 20080227 (200817) JA 10
PRAI **JP 2003-318942 20030910**
IPCI **H01G0009-022** [I,C]; **H01G0009-038** [I,A]; **H01G0009-058** [I,A]; **H01G0009-058** [I,C]
IPCR **H01G0009-022** [I,C]; **H01G0009-038** [I,A]; **H01G0009-058** [I,A]; **H01G0009-058** [I,C]
FCL H01G0009-00 301 A; H01G0009-00 301 D
Main: H01G0009-00 301 D
Secondary: H01G0009-00 301 A
FTRM 5E078; 5E078/AA09; 5E078/AB02; 5E078/BA09; 5E078/BA13; 5E078/BA63; 5E078/BB08; 5E078/DA05; 5E078/DA06; 5E078/DA17; 5E078/DA19
AB JP 2005086113 A UPAB: 20080523
NOVELTY - An **electrical double layer capacitor** has electrode **material** having **pore** formed by carrying out **electric activation** processing of **carbon** material, and **electrolytic solution** containing **electrolyte** in which the electrode material is immersed. The **electrolytic solution** contains **electrolyte** ion of diameter less than that of the **pore** of the electrode **material.**
USE - As **electrical double layer capacitor** used in **electric** power storage device, portable information device and **electric** vehicle.
ADVANTAGE - The **electrical double layer capacitor** has excellent low temperature characteristics. DESCRIPTION OF DRAWINGS - The graph shows the temperature dependency of electrolytic **capacitance** of the **electrical double layer capacitor.** (Drawing includes non-English language text).
MC CPI: L03-B03A; L03-H05
EPI: V01-B01B5; **V01-B01D**; **X16-L02**

DERWENT-ACC-NO: 2001-012700

DERWENT-WEEK: 200102

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TITLE: Electrical double layer capacitor has pores in anode and cathode bases with pore diameter of anode base is larger than that of cathode base

INVENTOR: SHIMIZU T

PATENT-ASSIGNEE: TOYOTA JIDOSHA KK[TOYT]

PRIORITY-DATA: 1999JP-095138 (April 1, 1999)

PATENT-FAMILY:

PUB-NO	PUB-DATE	LANGUAGE
JP 2000294459 A	October 20, 2000	JA

APPLICATION-DATA:

PUB-NO	APPL-DESCRIPTOR	APPL-NO	APPL-DATE
JP2000294459A	N/A	1999JP-095138	April 1, 1999

INT-CL-CURRENT:

TYPE	IPC	DATE
CIPP	H01G9/058	20060101

ABSTRACTED-PUB-NO: JP 2000294459 A

BASIC-ABSTRACT:

NOVELTY - A set of pores are provided in the bases of anode and cathode (1,2). The diameter of pore in anode base is in the range of 1.5-10nm and higher than the pore diameter of cathode base. The diameter pore of cathode base is less than or equal to 1.5nm.

USE - Electrical double layer capacitor.

ADVANTAGE - Since the pore diameter of anode is less than that of negative ion, electrical capacity of the capacitor is raised.

DESCRIPTION OF DRAWING(S) - The figure shows the sectional view of electrical double layer capacitor.

Anode and cathode (1,2)

CHOSEN-DRAWING: Dwg.2/3

TITLE-TERMS: ELECTRIC DOUBLE LAYER CAPACITOR PORE ANODE CATHODE BASE DIAMETER LARGER

DERWENT-CLASS: V01

EPI-CODES: V01-B01A; V01-B01D;

SECONDARY-ACC-NO:
Non-CPI Secondary Accession Numbers: 2001-010116

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

Mail Date: 07/01/2010

Applicant	: Te-Wei Chen	: DECISION ON REQUEST FOR
Patent Number	: 7639024	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/595,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **468** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Tse Hsing Chen	: DECISION ON REQUEST FOR
Patent Number	: 7595719	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/595,944	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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OFFICE OF PETITIONS

In re Application of	:	
Hugo Salamanca	:	
Application No. 11/595,951	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No: 6758-007	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(b), is hereby **DISMISSED AS MOOT.**

The application became abandoned for failure to reply in a timely and proper manner to the Notice to File Corrected Application Papers (Notice) mailed March 23, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A four month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application would have become abandoned on September 24, 2007. A Notice of Abandonment was mailed September 10, 2007.

A review of the written record indicates that Applicant replied within the allowable extension of time period. On August 27, 2007, Applicant received a four month extension of time which allowed for a response from Applicant by September 23, 2007. Therefore, the May 31, 2007 response from Applicant is considered timely.

Accordingly, the application should not have been classified as abandoned.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Petitioner will receive a refund of the $810.00 petition fee via treasury check in due course.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of
Hugo Salamanca
Application No. 11/595,954
Filed: November 13, 2006
Attorney Docket No. 6758-025

ON PETITION

This is a decision in response to the petition, filed June 16, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 5, 2008. A Notice of Abandonment was mailed on December 11, 2008. On June 16, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 3664 for appropriate action by the Examiner in the normal course of business on the amendment received June 16, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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In re Application of	:	
Hugo Salamanca	:	
Application No. 11/595,962	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 4373	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 8, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on March 9, 2007. A Notice of Abandonment was mailed September 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a $150.00 basic filing fee; a $65.00 surcharge; a $250.00 search fee; a $150.00 additional claim fee; and a $100.00 examination fee (all previously submitted on March 7, 2007); and Replacement drawings (previously submitted on May 31, 2007, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $735.00, four month extension of time fee submitted on August 27, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded via treasury check in due course.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/
Liana Walsh
Petitioner Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Hugo Salamanca	:	
Application No. 11/595,964	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 6758-010	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed December 8, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. A four month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly the case became abandoned on June 9, 2006. A Notice of Abandonment was mailed on September 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 31, 2007.

Carl Friedman
Petitions Examiner
Office of Petitions

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DUANE MORRIS LLP
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SUITE 700
WASHINGTON DC 20006-1608

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OFFICE OF PETITIONS

In re Application of	:	
Hubble and Cohen	:	
Application No. 11/595,977	:	DECISION REFUSING STATUS
Filed: 13 November, 2006	:	UNDER 37 CFR 1.47(a)
Atty. Docket No. CHE01 105	:	

This is a decision on the petition under 37 CFR 1.47(a), filed on 26 January, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 13 November, 2006, without an executed oath or declaration. Accordingly, on 5 December, 2006, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, a surcharge for its late filing, and a substitute specification. A two (2) month period for reply was set.

In response, on 26 January, 2007, a petition under 37 CFR 1.47(a), the present petition, authorization to charge any required fees and the late filing surcharge were filed. Substitute claim pages were also filed, along with a declaration naming Hugh W. Hubble and Jeffrey K. Cohen as joint inventors and signed by joint inventor Cohen on behalf of himself and non-signing joint inventor Hubble.

Petitioners assert that the application was sent to joint inventor Hubble, but that he refused to sign and return it.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioners have not shown that joint inventor Hubble was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1]

Petitioners state that a copy of the application was sent to the non-signing inventor's former employer, ChemImage, and that ChemImage sent the application to non-signing inventor Hubble. Petitioners have not provided, however, sufficient evidence that the application was sent to Hubble.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a

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[1] MPEP 409.03(d).

person, then that person must provide details of the refusal in an affidavit or declaration of fact.

Petitioners should note that the fee for a petition under 37 CFR 1.47 is $200.00. The balance due will be charged to counsel's deposit account, as authorized in the present petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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In re Application of	:	
Hubble and Cohen	:	
Application No. 11/595,977	:	DECISION ACCORDING STATUS
Filed: 13 November, 2006	:	UNDER 37 CFR 1.47(a)
Atty. Docket No. CHE01 105	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed on 23 May, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor could not be located despite diligent efforts. Specifically, petitioners have established that a copy of the application sent to the last known address of the non-signing inventor was returned as unclaimed. Additionally, the initial petition was accompanied an e-mail from the non-signing inventor stating that he did not wish to sign the declaration. Accordingly, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to the Technology Center for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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DIW Jul-07

Hugh W. Hubble
111 Lacrosse Street
Pittsburgh PA 15218-1607

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of
Hubble et al.
Application No. 11/595,977
Filed: 13 November, 2006
For: SYSTEM AND METHOD FOR A RAMAN AND/OR FLUORESCENCE COLPOSCOPE

Dear Dr. Hubble:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

DUANE MORRIS LLP
1667 K STREET NW, SUITE 700
WASHINGTON DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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www.uspto.gov

ARNOLD AND PORTER, LLP
555 12TH STREET, N.W.
WASHINGTON, DC 20004

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Boukharov, et al.
Appl. No.: 11/595,983
Filing Date: November 13, 2006
Title: GENOMIC PLANT SEQUENCES AND USES THEREOF
Attorney Docket No.: 16517.111
Pub. No.: 2007/0118921 A1
Pub. Date: May 24, 2007

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on July 24, 2007, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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SEP 13 2007

OFFICE OF PETITIONS

In re Application of	:
Koen Vos and Jan Skoglund	:
Application No. 11/595,995	: DECISION ON PETITION
Filed: November 13, 2006	:
Attorney Docket No.	:
0104-0606PUS1	

This is a decision on the petition under 37 CFR 1.47(a), filed July 2, 2007.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "**Request for Reconsideration of Petition Under 37 CFR 1.47(a)**," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a). No additional fee is required for the request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The petition fails to satisfy item (1) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Koen Vos was presented with a copy of the complete application papers for this application. In this regard, the statement of facts by Jan Linden, Vice President of Engineering of Global IP Solutions,

Inc., states that a copy of the complete application papers (specification, claims and drawings) was mailed to the last known address of non-signing inventor Vos, which were returned since Mr. Vos no longer resided at that address. In view of Email messages initiated by Mr. Vos, Mr. Linden states that, since Mr. Vos was communicating with him by Email, a copy of the application and declaration were attached to an Email sent to Mr. Vos on April 18, 2007. However, no reply was received.

In reviewing the copy of the Email of April 18, 2007, it is unclear whether in fact a complete copy of the application papers was sent to Mr. Vos. More specifically, the attachments appear to be only for a combined DEC-POA and an assignment document, and not for the application papers. Therefore, it is unclear whether a complete copy of the application papers was sent to Mr. Vos. If Mr. Vos was not presented with a copy of the application papers for this application, then he could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he was requested to sign. Was a complete copy of the application papers in fact presented to Mr. Vos? Unless petitioner can show that a copy of the application papers was sent to Mr. Vos, then petitioner will have to present a copy of the complete application papers (specification, claims and drawings) to Mr. Vos. A cover letter of instructions should accompany the presentation of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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FEB 27 2008

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
Vos and Skoglund	:	DECISION GRANTING STATUS
Application No. 11/595,995	:	UNDER 37 CFR 1.47(a)
Filed: 11/13/2006	:	
Attorney Docket No. 0104-0606PUS1	:	
Title: LOSSLESS ENCODING AND	:	
DECODING OF DIGITAL DATA	:	

This is a decision on the petition filed December 12, 2007, requesting reconsideration of a decision mailed September 13, 2007, which refused to accord 37 CFR 1.47(a) status to the above-identified application. Petitioner obtained an extension of time for response within the first month. Accordingly, the request for reconsideration is filed timely.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 2624 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina.Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Koen Vos
1934 29th Avenue
San Francisco CA 94116

COPY MAILED

FEB 26 2008

In re Application of	:	
Vos and Skoglund	:	LETTER
Application No. 11/595,995	:	
Filed: 11/13/2006	:	
Attorney Docket No. 0104-0606PUS1	:	
Title: LOSSLESS ENCODING AND DECODING	:	
OF DIGITAL DATA	:	

Dear Koen Vos:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/03/2010

Applicant	: August Hausler	: DECISION ON REQUEST FOR
Patent Number	: 7624983	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/596,008	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Oscar Rolando Avila Cusicanqui	: DECISION ON REQUEST FOR
Patent Number	: 7615905	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/596,009	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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13 DEC 2007

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of PERRING et al. Application No.: 11/596,023 PCT No.: PCT/IB05/01616 Int. Filing: 11 May 2005 Priority Date: 12 May 2004 Attorney Docket No.: 056222-5106 For: ODOR REDUCTION COMPOSITIONS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 15 August 2007, to accept the application without the signature of joint inventor, Jean-Pacsal Osmont.

BACKGROUND

On 09 November 2007, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 15 June 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 15 August 2007, applicant filed the instant petition along with declarations, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Jean-Pacsal Osmont alleging that Mr. Osmont refuses to sign the application or is unavailable.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-

signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, which charged to applicant's deposit account per his authorization, satisfying Item (1). Item (3) is satisfied because the last known address of the non-signing inventor was provided. With regard to item (4), three declarations executed by the available joint inventors on their behalf and on behalf of the non-signing inventor were submitted and are in compliance with 37 CFR 1.497(a) and (b). Thus, Item (4) is satisfied.

With respect to Item (2) above, Petitioner did not provide a first hand statement of facts regarding attempts to contact Mr. Osmont to obtain his signature on the application papers and details of his refusal. Although counsel states that the inventor was presented with a complete copy of the application papers, including *specification, claims and drawings* and declaration, no evidence in support of the statement was provided and is required. What is required is that Mr. Osmont be presented with a copy of all of the national stage application papers (oath and declaration, specification, including claims and drawings) for this application. Such is required before it can be concluded that the inventor refuses to sign. Moreover, counsel indicates that under French law, right to Mr. Osmont's contribution belong to his employer. However, no evidence to support this conclusion was provided . See MPEP Section 409.03(d) which is reproduced in part in this decision.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... *It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Thus, it cannot be concluded that Mr. Osmont refused to sign the application at issue here as the evidence presented thus far does not support such conclusion.

MPEP Section 409.03(d) also states: Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the instant petition, Petitioner did not demonstrate what "diligent efforts" were undertaken to locate the nonsigning inventor to obtain his signature on the declaration. No further efforts to locate the nonsigning inventor were attempted and detailed in a first hand statement of facts. A statement by the person with first hand knowledge, which fully describes the exact facts relied on to establish that a diligent effort was made, is required. The diligent efforts to locate the nonsigning inventor were not pursued and documented such as Internet searches, contact with the joint inventors to obtain the nonsigning inventor's current address, current email address and/or current employer. No attempt to reach the nonsigning inventor by telephone was made. No request from the Postal Service for his forwarding address was made. See MPEP Section 409.03 for further details in the preparation of a renewed petition under 37 CFR 1.47(a).

In sum, Petitioner has satisfied Items (1), (3) and (4) above. However, Petitioner has not satisfied Item (2) by demonstrating: (1) a *bona fide* attempt was made to present a *copy of the application papers for U.S. application 11/596,023 (specification, including claims, drawings, and declaration)* to the nonsigning inventor for his signature and (2) Mr. Osmont's refusal to sign, either in writing or by telephone, these documents. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition

fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

1 1 AUG 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of PERRING et al. Application No.: 11/596,023 PCT No.: PCT/IB05/01616 Int. Filing: 11 May 2005 Priority Date: 12 May 2004 Attorney Docket No.: 056222-5106 For: ODOR REDUCTION COMPOSITIONS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 April 2008.

BACKGROUND

On 15 August 2007, applicant filed a petition along with declarations, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Jean-Pacsal Osmont alleging that Mr. Osmont refuses to sign the application or is unavailable. Applicant presented the executed declarations of the joint inventors on behalf of the nonsigning inventors.

On 13 December 2008, a decision was mailed, which dismissed the petition and indicated that applicant had failed to demonstrate the diligent efforts undertaken to locate the nonsigning inventor.

On 14 April 2008, applicant filed the instant renewed petition along with a declaration, executed by the previously nonsigning inventor.

DISCUSSION

Petitioner has now presented the declaration signed by inventor Jean-Pacsal Osmont. A review of the declaration reveals that the declaration identifies all the inventors named in the international application and states the residency, citizenship and mailing address of each inventor.

The petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The declaration executed by the joint inventor Jean-Pacsal Osmont was submitted on 14 April 2008. The declarations are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 April 2008.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Akira Otsuka	: DECISION ON REQUEST FOR
Patent Number	: 7639212	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,067	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **646** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 1100
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In re Application of	:	
Harumichi Mori, et al.	:	
Application No. 11/596,071	:	DECISION GRANTING PETITION
Filed: December 10, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 46884-5540 (234124)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 12, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 30, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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2 9 SEP 2008

Benoit Castel
Young & Thompson
209 Madison Street
Suite 500
Alexandria, VA 22314

In re Application of	:	DECISION ON PETITION
Morin et al.	:	
Application No.:11/596,081	:	UNDER 37 CFR 1.181
PCT No.: PCT/EP05/04107	:	
Int. Filing Date: 18 April 2005	:	AND
Priority Date: 13 May 2004	:	
Attorney Docket No.:4002-1038	:	SUBMISSION
For: Container for a Stack of Individually Removable Paper Products	:	UNDER 37 CFR 1.42

Applicant's submission of a signed Declaration and Power of Attorney on 07 January 2008 in accordance with 37 CFR 1.42 is **ACCEPTED**. Applicants' "RESPONSE TO ERRONEOUS NOTIFICATION OF MISSING REQUIREMENTS" which is being treated as a petition under 37 CFR §1.181 filed 07 January 2008 and Supplemental Response on 16 September 2008 is **GRANTED**.

BACKGROUND

On 09 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2), a copy of the International Search Report, a copy of the IPER, a preliminary amendment, an information disclosure statement, a request for immediate examination and a copy of the priority document.

On 07 November 2007, the United States Designated/Elected Office (DO/EO) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date, and a surcharge for providing the Oath or Declaration later than 30 months from the priority date must be submitted within two months of the date of the Notification or by 32 months from the

priority date, whichever is later. The period for response expired 07 January 2008, two months from the mail date of the Notification.

On 07 January 2008, applicants filed the petition to withdraw the Notification of Missing Requirements and waive the $130.00 surcharge fee. Along with the petition, applicants filed a return receipt postcard, the 371 transmittal letter and a copy of the Declaration and Power of Attorney in accordance with 37 CFR 1.42 that was allegedly filed on 09 November 2006, with the signature of Emmanuelle Morin along with the signature of Ann Chihani, legal representative, on behalf of the deceased inventor, Thami Chihani. Applicant further submitted the processing fee for the late filing of an oath or declaration as required by 37 CFR 1.17(i).

DISCUSSION

I. STATUS UNDER 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration filed 07 January 2008 was executed by Ann Chihani as "legal representative" to the deceased inventor, Thami Chihani. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

II. PETITION UNDER 37 CFR 1.181

A review of the papers filed 07 January 2008 and 16 September 2008 reveals that the evidence submitted by applicants is sufficient to establish that the 07 November 2007 Notification was improper. Applicants have provided a return receipt postcard indicating that an

executed Declaration was received by the USPTO on 09 November 2006. The Clarification of Response filed 16 September 2008 states that the "Declaration filed with applicant's response of January 7, 2008 was actually filed on November 9, 2006" is construed as meaning that the declaration submitted with the petition of 07 January 2008 is a true copy of the declaration filed 09 November 2006. If this is incorrect, applicant **must immediately notify** the Office of PCT Legal Administration.

CONCLUSION

For the reasons above, the Declaration submitted on 07 January 2008 in accordance with 37 CFR 1.42 has been **ACCEPTED**.

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Missing Requirements mailed on 07 November 2007 is **VACATED**. The declaration filed with the petition of 07 January 2008 will be treated as filed on 09 November 2006.

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration
Telephone: (571) 272-6094
Fax: (571) 273-0459

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 07/15/2010

Applicant	: Anthony P. Albino	: DECISION ON REQUEST FOR
Patent Number	: 7662565	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/596,088	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **150** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of	:	
KUBO et al.	:	DECISION ON REQUEST TO
Application No. 11/596,089	:	PARTICIPATE IN PATENT
Filed: November 9, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 8279.1190USW0	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 11, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fails to comply with the requirement because:

The petition does not include a copy of the allowable/patentable claim(s) and office actions from the JPO application (in Japanese).

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Ram R. Shukla at 571-272-8300.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

In re Application of KUBO et al. Application No. 11/596,089 Filed: November 9, 2006 Attorney Docket No. 8279.1190USW0	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This letter is in response to the Request for Reconsideration filed July 17, 2008 to reconsider the Dismissal Decision of July 10, 2008 on the request of the petition to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 11, 2008, to make the above-identified application special.

BACKGROUND

On July 10, Applicants' request and petition to participate in the PPH program was denied as the request did not include a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) in Japanese.

DISCUSSION

In their request for reconsideration, Applicants provided a copy of the office actions in Japanese. Applicants also provided a print out of the Public PAIR indicating that the office actions were previously filed with the petition. All the requirements for the PPH petition are met.

Accordingly, the request for reconsideration and petition are **GRANTED.**

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Ram R. Shukla/

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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Ropes & Gray LLP
Patent Docketing 39/41
One International Place
Boston, MA 02110-2624

In re Application of	:	
ROTHER et al.	:	
Application No.: 11/596,382	:	
PCT No.: PCT/US05/17048	:	
Int. Filing Date: 16 May 2005	:	DECISION ON
Priority Date: 14 May 2004	:	PAPERS UNDER 37 CFR 1.42
Attorney Docket No.: ALXN-P01-117	:	
For: PROLONGATION OF SURVIVAL OF AN ALLOGRAFT BY INHIBITING COMPLEMENT ACTIVITY	:	

In a communication mailed by this Office on 29 May 2008, the declaration filed by applicant on behalf of deceased inventor Zhen Zhong was dismissed for failure to include all the information required under 37 CFR 1.497. (The declaration provided the residence, citizenship, and post office address for only one individual and it was unclear whether this information was for the executrix or the deceased inventor.)

On 16 July 2008, applicant filed a response to the previous communication that was accompanied by a revised declaration.[1] The declaration submitted on 16 July 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Aili Lao as "executrix," states his/her relationship to the deceased (i.e., executrix), and provides the executrix's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

[1]It is noted that the declaration submitted on 08 July 2008 was defective because applicant failed to include page 2 of 4.

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of RASSIAS Application No.: 11/596,093 PCT No.: PCT/US04/29556 Int. Filing: 09 September 2004 Priority Date: 09 September 2003 Attorney Docket No.: 2215-062814 For: SECURITY HOLSTER WITH LOCKING LEVER	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $150 has been provided. The required petition fee of $750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 November 2006.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of: STRASHEIM	:	
U.S. Application No.: 11/596,100	:	
PCT Application No.: PCT/CN2005/000639	:	
Int. Filing Date: 09 May 2005	:	DECISION
Priority Date: 10 May 2004	:	
Atty Docket No.: 5696-2PUS	:	
For: RECOMBINANT CHEMOKINE-ANTIGEN	:	
VACCINE	:	

This is in response to applicant's petition for acceptance of name change filed on 25 August 2008, which is being treated under 37 CFR 1.181.

BACKGROUND

On 09 May 2005, applicant filed international application PCT/CN2005/000639, which claimed priority of an earlier Chinese application filed 10 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 10 November 2006.

On 09 November 2006, applicant filed national stage papers in the United States Designated Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371 (c)(1).

On 16 April 2008, a Notification of Missing Requirements was mailed to applicant, requiring an oath or declaration in compliance with 37 CFR 1.497 (a) and (b) and noting that the oath of 14 February 2007 did not comply with 37 CFR 1.497(a) and (b) because the last name of the fourth inventor is different than that which is printed on the international application.

DISCUSSION

Inspection of the declaration document of 14 February 2007 reveals that fourth inventor Hanjun QIN is listed. This differs from the name of the fourth inventor in the published application, Hanjun TAN. Applicant's petition states that the difference in the name is due to fact that the inventor's name in English is spelled as QIN rather than TAN based on the

conventional Pinyin rules. This appears to be a transliteration error. MPEP 1893.01(e) discusses:

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of the error. A new oath or declaration is not required to correct such error. See MPEP § 201.03 and § 605.04(g).

Since Applicant has provided the appropriate notification, the petition is GRANTED.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

/Katherine Moran/
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

3 0 MAY 2008

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LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of RAUL DELGADO ACARRETA Serial No.: 11/596,103 PCT No.: PCT/ES04/70035 Int. Filing Date: 13 May 2004 Priority Date: None Attorney's Docket No.: U-016582-6 For: POURING DEVICE	:	DECISION ON SUBMISSION

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 11 September 2007 and 30 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 June 2007, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 24 July 2007, in response to the Notification of Missing Requirements, applicant filed a declaration executed by the sole inventor.

On 27 August 2007, a Notification of Defective Response was mailed to applicant indicating that declaration did not comply with 37 CFR 1.497(a) and (b) because "the inventor's name on the declaration is shown differently on the international application. Please clarify." Applicant was given one month from the date of the Notification within which to reply or the time remaining in the Notification of Missing Requirements.

On 11 September 2007, applicant filed a communication with the USPTO explaining that the inventor's name is not different on the international application but that the inventor's signature is in accord with Spanish usage, which emphasizes the inventor's paternal name - Delgado. Applicant requested that the 27 August 2007 Notification of Defective Response be vacated.

On 30 November 2007, applicant filed a new declaration, identifying the inventor as listed on the international application and executed in accord with his explanation.

DISCUSSION

The published international application listed the sole inventor as Raul DELGADO ACARRETTA. The declaration submitted on 24 July 2007misidentified the inventor last name

(Delgado) as a middle name. The Notification of Defective Response correctly indicated the defect in the declaration and asked for clarification. Applicant, through counsel, provided an explanation of his family name on 11 September 2007 and provided a corrected declaration on 30 November 2007. Applicant's explanation of the inventor's name is accepted and noted for the record.

The corrected declaration is the proper reply to the Notification of Defective Response. The reply was filed on 20 November 2007, which was within the extendable the time period as set forth in the 15 June 2007 Notification of Missing Requirements. A four month extension of time is required. As applicant provided authorization to charge for any fees pursuant to 37 CFR §§1.17(a) and 1.136(a) on 24 July 2007, the four month extension of time fee (small entity) of $820 will be charged to applicant's deposit account.

CONCLUSION

The application will be forwarded to the United States Designated/Elected Office for further processing. The declaration filed on 20 November 2007 is acceptable and in compliance with 37 CFR 1.497(a) and (b).

A four month extension of time is required and the $820 fee will be charged to applicant's deposit account per his authorization.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 20 November 2007.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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FLESHNER & KIM, LLP
P.O. Box 221200
CHantkilly, Virginia 22151-1200

In re Application of BANG et al Application No.: 11/596,121 PCT No.: PCT/KR2005/0201375 Int. Filing Date: 11 May 2005 Priority Date: 11 May 2004 Attorney Docket No.: HP-0001 For: DEVICE AND METHOD FOR CUTTING NONMETALLIC SUBSTRATE	DECISION

This decision is in response to applicants' "REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE," which is being treated as a petition under 37 CFR 1.181, filed on 05 August 2008 indicating that the executed declaration filed on 09 November 2006 contains the correct spelling of the fourth inventor's name Yung Min KIM. The published PCT application contained an error since the second named inventor Chang Bok LEE was listed twice and fourth inventor Yung Min KIM was omitted.

BACKGROUND

On 09 November 2006, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, and an executed declaration.

On 25 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 01 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916). The Notification states that the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date ... that it inventor number 4 (Change Bok Lee) is not listed on the published pamphlet.

On 05 August 2008, applicants filed a "Reply to Notification of Defective Response," which is being treated as petition under 37 CFR 1.181 that the executed declaration has the correct name and spelling of the fourth named inventor, Yum Min KIM.

DISCUSSION

The correct name of the fourth joint-inventor is "Young Min KIM" as filed in the executed declaration on 09 November 2006, and not as it appeared in the publication of the international application because it was published with the wrong name- the second named inventor Chang Bok LEE was listed twice. He was listed correctly as the second named inventor and incorrectly listed as the fourth named inventor.

Accordingly, the correct name, Young Min KIM, now appears in the declaration as the fourth named inventor as filed on the executed declaration on 09 November 2006 at the USPTO.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the fourth joint inventor is Young Min KIM.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

2 4 JAN 2008

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
ARNVIDARSON et al.	:	
Application No.: 11/596,141	:	DECISION
PCT No.: PCT/DK2005/000325	:	
Int. Filing Date: 17 May 2005	:	
Priority Date: 14 May 2004	:	
Attorney's Docket No.: 12845.0013USWO	:	
For: A METHOD AND A SYSTEM FOR THE	:	
ASSESSMENT OF SAMPLES	:	

This decision is in response to applicant's submission filed 27 September 2007 which includes, *inter alia*, a petition under 37 CFR 1.181 to withdraw the holding of abandonment and, in the alternative, a petition under 37 CFR 1.137(b) to revive the application.

BACKGROUND

On 17 May 2005, applicant filed international application PCT/DK2005/000325, which designated the U.S. and claimed a priority date of 14 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 November 2006.

On 09 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States.

On 16 November 2006, the United States Designated/Elected Office (DO/EO/US) charged a total of $6,500 to Deposit Account 13-2725.

On 26 July 2007, the DO/EO/US refunded the same amount to the same Deposit Account.

On 26 July 2007, the DO/EO/US also mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date.

On 27 September 2007, applicant submitted the instant petition under 37 CFR 1.181 to withdraw the holding of abandonment and, in the alternative, a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

Petition Under 37 CFR 1.181

The Transmittal Letter filed 09 November 2006 contained the following instructions regarding fees:

"**b. [X] PAYMENT OF THE FILING FEE IS BEING DEFERRED.**
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725." (Emphasis in original)

Petitioner urges that the money should not have been refunded and the case should not have been abandoned because of the authorization to charge fees set forth as item (c) above. However, the Transmittal Letter contained contradictory instructions. Because item (b) is more specific than item (c), item (b) is deemed the instruction to be followed. Additionally, item (b) is in bold while item (c) is not. Because item (b) specifically defers payment of the filing fee and payment of the filing fee (i.e, the U.S. Basic National Fee) is required by thirty months from the priority date to prevent the international application from becoming abandoned as to the United States, the application is properly abandoned.

Petitioner urges that "the deferral of the filing fee could only be effective until any additional fees were required, such as upon November 14, 2006, the date 30 months from the earliest priority date. Upon that date, payment was required, and therefore the additional fees were authorized by the broad general authorization provided." As noted above, however, the instruction deferring the filing fee is controlling. The instruction does not set a time limit for the deferral. Accordingly, there was no proper authorization to charge the filing fee in the submission filed 09 November 2006.

Petition Under 37 CFR 1.137(b)

Because the petition under 37 CFR 1.181 is dismissed, the petition in the alternative under 37 CFR 1.137(b) is now considered.

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted authorization to charge the basic national fee to Deposit Account 13-2725 on 27 September 2007. The search fee ($200) and the examination fee ($400) were also authorized on this date. These fees have been charged to the Deposit Account.

As to item (2), applicant submitted authorization to charge the petition fee ($1,500) to Deposit Account 13-2725 on 27 September 2007. The petition fee has been charged.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** for the reasons set forth above.

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jean-Pierre V. Lelieur	: DECISION ON REQUEST FOR
Patent Number	: 7632347	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,192	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

2 0 APR 2009

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Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005

In re Application of	:	
BASTIAANS et al.	:	
U.S. Application No. 11/596,209	:	
PCT No.: PCT/EP2005/004688	:	
Int. Filing Date: 30 April 2005	:	DECISION
Priority Date: 12 May 2004	:	
Attorney Docket No.: 2400.1180000/JMC/THN	:	
For: PLANT GROWTH REGULATION	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 13 November 2006, applicant filed the present national stage application. The Transmittal Letter (PTO-1390) identified the application as the U.S. national stage of PCT/US2005/004688. The submission was assigned U.S. application number 11/596,209.

The materials filed 13 November 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/US2005/004688; (2) a preliminary amendment that identified the application as a national stage of PCT/EP2005/004688; (3) an application data sheet that identified the application as a national stage of PCT/EP2005/004688 and (4) a fee payment of $1,510. Thus, applicant's 13 November 2006 filing included conflicting instructions that identified the submission as a U.S. national stage of two different international applications: PCT/EP2005/004688 and PCT/US2005/004688.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/004688, the international application number set forth on the Transmittal Letter provided by applicant when filing the national stage application.

DISCUSSION

A review of the materials filed by applicants on 13 November 2006 as a whole reveals that applicant's likely intention was to enter the national stage for international application PCT/EP2005/004688. However, as noted above, applicant's entry of PCT/US2005/004688 during the filing process has caused the present application file to be initiated as a national stage of PCT/US2005/004688. Moreover, due to the conflicting instructions in the 13 November 2006 filing, the U.S. basic national fee filed on 13 November 2006 cannot, on the present record, be treated as having been directed to PCT/EP2005/004688 (as necessary to avoid abandonment of such application).

In order for the 13 November 2006 national stage entry and basic national fee payment to be treated as filed on such date with respect to PCT/EP2005/004688, a grantable petition under 37 CFR 1.182 is required. Such a petition must: (1) specifically identify the international application for which national stage entry was intended; (2) explain the presence of the conflicting instructions (i.e., typographical errors, etc.); and (3) correct the file record to correspond with the desired application, where appropriate (i.e., submit a corrected Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission). The petition must also include the required $400 petition fee.

CONCLUSION

As set forth above, a grantable petition under 37 CFR 1.182 is required to clarify the international application to which the 13 November 2006 national stage filing and basic national fee were directed. The requirements for such a petition are discussed above.

Such petition must be submitted within **TWO (2) MONTHS** of the mail date of the present communication. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136(a) are available.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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2 2 MAY 2009

Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005

In re Application of BASTIAANS et al. U.S. Application No. 11/596,209 PCT No.: PCT/EP2005/004688 Int. Filing Date: 30 April 2005 Priority Date: 12 May 2004 Attorney Docket No.: 2400.1180000/JMC/THN For: PLANT GROWTH REGULATION	:	DECISION

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 15 May 2009 that seeks to correct the international application number on the national stage application papers filed 13 November 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/EP2005/004688. The required $400 petition fee has been submitted.

BACKGROUND

On 13 November 2006, applicant filed the present national stage application. The Transmittal Letter (PTO-1390) identified the application as the U.S. national stage of PCT/US2005/004688. The submission was assigned U.S. application number 11/596,209.

The materials filed 13 November 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/US2005/004688; (2) a preliminary amendment that identified the application as a national stage of PCT/EP2005/004688; (3) an application data sheet that identified the application as a national stage of PCT/EP2005/004688 and (4) a fee payment of $1,510. Thus, applicant's 13 November 2006 filing included conflicting instructions that identified the submission as a U.S. national stage of two different international applications: PCT/EP2005/004688 and PCT/US2005/004688.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/004688, the international application number set forth on the Transmittal Letter provided by applicant when filing the national stage application. (A communication regarding this error was mailed to applicant on 20 April 2009.)

On 15 May 2009, applicant filed "Petition Under 37 CFR 1.182."

DISCUSSION

As noted above, the Transmittal Letter provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 13 November 2006 can be treated as having been directed to international application PCT/EP2005/004688, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 15 May 2009, applicant confirms that the listing of international application PCT/US2005/004688 set forth in the Transmittal Letter provided by applicant was the result of a typographical error, and that the correct international application is PCT/EP2005/004688. It is noted that the correct international application number was listed on the application data sheet that identified the application as a national stage of PCT/EP2005/004688. The Transmittal Letter filed 15 May 2009 is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/EP2005/004688. These materials satisfy the requirements for a grantable petition to correct the typographical error in the Transmittal Letter filed 13 November 2006 and to permit such materials to be treated as having been directed to international application PCT/EP2005/004688.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 13 November 2006 will be treated as the national stage of PCT/EP2005/004688.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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Alexandria, VA 22313-1450
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05 DEC 2006

James E. Bradley
Bracewell & Giuliani, LLP
P.O. Box 61389
Houston, TX 77208-1389

In re Application of	:	
SCHNEIDER, et al.	:	
U.S. Application No.: 11/596,237	:	DECISION ON PETITION
PCT No.: PCT/EP05/03238	:	
Int. Filing Date: 02 March 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 02 April 2004	:	
Attorney Docket No.: 091101.000002	:	
For: DEVICE FOR DISPENSING A FLUID FROM	:	
THE HOLLOW SPACE OF A CONTAINER	:	

The petition to revive under 37 CFR 1.137(b) filed 13 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Mail Date: 04/20/2010

Applicant	: Akira Takenaka	: DECISION ON REQUEST FOR
Patent Number	: 7652085	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,294	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **354** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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26 DEC 2006

William D. Hall
McAFEE & TAFT
10TH Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102

In re Application of GREENE, Jeffrey U.S. Application No.: 11/596,305 PCT No.: PCT/US2005/015791 Int. Filing Date: 06 May 2005 Priority Date: 06 May 2004 Attorney Docket No.: 48150.6 For: METHODS FOR IMPROVING THE CLINICAL OUTCOME OF PATIENT CARE AND FOR REDUCING OVERALL HEALTH CARE COSTS	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 08 November 2006 with the national stage papers is hereby **GRANTED** as follows:

The appropriate fees including the basic national fee and the petition fee have been paid by check and charged to Deposit Account 50-0449 as authorized. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee pursuant to 37 CFR 1.492(h) are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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02 JAN 2008

28840
TOMLINSON & O'CONNELL, P.C.
Two Leadership Square
211 North Robinson, Suite 450
Oklahoma City, OK 73102

In re Application of:
GREENE, Jeffrey C.
U.S. Application No.: 11/596,305
PCT No.: PCT/US2005/015791
Int. Filing Date: 06 May 2005
Priority Date: 06 May 2004
Attorney Docket No.: 0577-008
For: METHODS FOR IMPROVING THE CLINICAL OUTCOME OF PATIENT CARE AND FOR . . .

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed on 13 December 2007 which is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) and (b) and surcharge fee was provided. This is an appropriate response to the Form PCT/DO/EO/905 mailed 22 May 2007. The petition fee for a small entity has been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All requirements of 37 CFR 1.137(b) are satisfied.

This application is being forwarded to the Office of Patent Application Processing for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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19 FEB 2008

Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, IL 60604

In re Application of RAO et al. Application No.: 11/596,342 PCT No.: PCT/SE05/00712 Int. Filing Date: 17 May 2005 Priority Date: 18 May 2004 Attorney Docket No.: CU-5192 BWH For: MANGANESE DOPED MAGNETIC SEMICONDUCTORS	:	DECISION ON REQUEST

This decision is issued in response to applicants' "Request for Corrected Filing Receipt" filed 15 October 2007 which is being treated as a Petition to Correct Inventorship under 37 CFR 1.497(d). The $130 petition fee has been charged to Deposit Account no. 12-0400.

BACKGROUND

On 17 May 2005, applicant filed international application PCT/SE05/00712 which claimed a priority date of 28 May 2004. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by each of the three inventors Venkat Rao; Parmanand Sharma; and Amita Gupta. Further, the published international application identified three applicant/inventors (Venkat Rao; Parmanand Sharma; and Amita Gupta) for the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 November 2006.

On 14 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 17 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 14 November 2006.

On 14 August 2007, applicant filed a declaration executed by: Parmanand Sharma; Kudumboor Venkat Rao; Borge Johansson; Ahuja Rajeev; and Amita Gupta.

On 15 October 2007, applicant filed the present request for Corrected Filing Receipt.

DISCUSSION

A. Omitted Inventors

Applicant states in the present request that Borge Johansson and Ahuja Rajeev have been omitted from the Official Filing Receipt. As stated above, the published international application identified three applicant/inventors (Venkat Rao; Parmanand Sharma; and Amita Gupta) for the United States, which executed a declaration of inventorship under PCT Rule 4.17(iv). Subsequently, Borge Johansson and Ahuja Rajeev were added to the international applicant as applicant/inventors under PCT Rule 92bis. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or **if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv)** or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Item (1) has not been satisfied. Applicant has not submitted a statement from the inventors being added, Borge Johansson and Ahuja Rajeev, in which the inventors state that the earlier error in inventorship did not result from deceptive intent on his/her part.

Item (1) is therefore satisfied.

Item (2) has been satisfied. The $130 petition fee will be charged to Deposit Account no. 12-0400.

Item (3) has not been satisfied. Applicant has not provided the assignee's consent to the addition of Borge Johansson and Ahuja Rajeev as inventors herein. Applicant must provide such consent before item (3) can be considered satisfied. Such consent must be accompanied by a statement under 37 CFR 3.73(b) which includes either a copy of the assignment documents or a specific reference to the assignment's recorded location in the USPTO (i.e., reel and frame number) (see 37 CFR 3.73(b)).

Item (4) has been satisfied.

Because applicant has not satisfied all the requirements of 37 CFR 1.497(d), inventors Borge Johansson and Ahuja Rajeev cannot be added to the application on the present record.

B. Name of Inventor (Venkat Rao)

The published international application identifies the first inventor as Venkat Rao. The declaration filed by applicants on 14 August 2007 identifies this inventor as Kudumboor Venkat Rao. With respect to corrections in an inventor's name, section 605.04(b) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, the discrepancy in the first inventor's name is more than a mere typographical error or a phonetic misspelling of the applicant's name; accordingly, a petition under 37 CFR 1.182 is required in order to correct the inventor's name as requested.

Because applicant has not submitted a grantable petition to change the name of the inventor identified on the international application as Venkat Rao, the declaration filed on 14 August 2007 fails to properly identify the inventors. The declaration therefore does not comply with 37 CFR 1.497.

C. Order of Inventors

Upon submission of a grantable petition under 37 CFR 1.497(d), the applicant's names herein will be entered in the order in which these applicants are listed on the

declaration filed 14 August 2007 (an order that corresponds to the order requested in the present petition). At this time, applicant's request is held in abeyance.

CONCLUSION

Applicant's request to add inventors Borge Johansson and Ahuja Rajeev under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on the international application.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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12 DEC 2008

Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
Chicago, IL 60604

In re Application of:	:	
RAO et al.	:	
Application No.: 11/596,342	:	DECISION ON REQUEST
PCT No.: PCT/SE05/00712	:	
Int. Filing Date: 17 May 2005	:	
Priority Date: 18 May 2004	:	
Attorney Docket No.: CU-5192 BWH	:	
For: MANGANESE DOPED MAGNETIC SEMICONDUCTORS		

This decision is issued in response to applicants' "Response to Decision on Request" filed 24 July 2008 which is being treated as a Renewed Petition to Correct Inventorship under 37 CFR 1.497(d).

BACKGROUND

On 17 May 2005, applicant filed international application PCT/SE05/00712 which claimed a priority date of 28 May 2004. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicant filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by each of the three inventors Venkat Rao; Parmanand Sharma; and Amita Gupta. Further, the published international application identified three applicant/inventors (Venkat Rao; Parmanand Sharma; and Amita Gupta) for the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 November 2006.

On 14 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 17 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 14 November 2006.

On 14 August 2007, applicant filed a declaration executed by: Parmanand Sharma; Kudumboor Venkat Rao; Borge Johansson; Ahuja Rajeev; and Amita Gupta.

On 15 October 2007, applicant filed a request for Corrected Filing Receipt which was treated as a Petition to Correct Inventorship under 37 CFR 1.497(d). In decision dated 19 February 2008, applicant's request under 37 CFR 1.497(d) was dismissed without prejudice.

On 24 July 2008, applicant filed the present renewed request under 37 CFR 1.497(d).

DISCUSSION

Request under 37 CFR 1.497(d)

As stated above, the published international application identified three applicant/inventors (Venkat Rao; Parmanand Sharma; and Amita Gupta) for the United States, which executed a declaration of inventorship under PCT Rule 4.17(iv). Subsequently, Borge Johansson and Ahuja Rajeev were added to the international applicant as applicant/inventors under PCT Rule 92bis. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or **if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv)** or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this

subsection.[1]

Items (1) - (3) have been satisfied.

As to Item (4), applicant has submitted a declaration executed by: Parmanand Sharma; Kudumboor Venkat Rao; Borge Johansson; Ahuja Rajeev; and Amita Gupta. In the previous DECISION, applicant was notified that there was a discrepency in the first inventor's name and applicant was directed to Manual of Patent Examining Procedure §605.04. Instead of filing a petition under 37 CFR 1.182, applicant states, "a Declaration of inventorship under PCT Rule 4.17(iv) was submitted during the PCT international phase on behalf of Venkat Rao and is believed to comply with 37 CFR 1.497. Until such time that a Petition is filed to change Mr. Rao's name, the application should proceed in the name of Venkat Rao." The application cannot proceed without a petition under 37 CFR 1.182 to correct the name of the inventor, since the "Declaration PCT Rule 4.17(iv)" no longer corresponds to the above-identified application. Since applicant has not submitted a grantable petition to change the name of the first inventor, the declaration filed on 14 August 2007 fails to properly identify the inventors of record. The declaration therefore does not comply with 37 CFR 1.497(a)-(b).

Withdrawal of Notification of Acceptance/Official Filing Receipt

Since the declaration(s) filed are not acceptable under 37 CFR 1.497(a)-(b), the "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) dated 17 May 2007 is hereby vacated.

Order of Inventors

Upon submission of a grantable petition under 37 CFR 1.497(d) and 37 CFR 1.182, the applicant's names herein will be entered in the order in which these applicants are listed on the declaration filed 14 August 2007 (an order that corresponds to the order requested in the present petition). At this time, applicant's request is held in abeyance.

CONCLUSION

Applicant's request to add inventors Borge Johansson and Ahuja Rajeev under 37 CFR 1.497(d) is DISMISSED without prejudice. The inventors of record remain the inventors named on the international application.

A proper response must be filed within ONE MONTH from the mail date of this notification and must include a proper declaration in compliance with 37 CFR 1.497(a)-(b) executed by all of the named inventors. Extensions of this time limit may be obtained under 37 CFR 1.136(a).

---

[1]The previous "Decision on Request" incorrectly indicated that Item (4) had been satisfied.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

20 DEC 2006

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Commissioner for Patents
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
HAMEDI-SANGSARI	:	
Application No.: 11/596,369	:	DECISION ON
PCT No.: PCT/FR2004/003117	:	
Int. Filing Date: 03 December 2004	:	PETITION UNDER
Priority Date: 05 December 2003	:	
Attorney Docket No.: 4980-2	:	37 CFR 1.137(b)
For: CAP FOR SAFETY PACKAGING DEVICE	:	
FOR MEDICAL USE	:	

This decision is in response to applicants' submission filed 14 November 2006.

BACKGROUND

On 03 December 2004, applicant filed international application PCT/FR2004/003117 which designated the U.S. and claimed a priority date of 05 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 23 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2006.

On 14 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of the inventor, a translation of the international application into English, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 14 November 2006.

As to item (2), applicant submitted the petition fee on 14 November 2006.

As to item (3), petitioner's statement that the "entire delay in prosecuting this case (i.e., filing the declaration and paying the filing fee)" has been construed as meaning that the "entire delay in filing the required reply (The required reply being the U.S. Basic National Fee. The declaration is not required to commence entry of the U.S. national stage under 35 U.S.C. 371.) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 14 November 2006 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 14-1140.

Translation

The processing fee of $130 under 37 CFR 1.492(i) for providing the translation more than thirty months from the priority date has been charged to Deposit Account 14-1140.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

12/20/2006 SBASHEIR 00000003 141140 11596369
Sale Ref: 00000003 DA#: 141140 11596369
01 FC:1617 130.00 DA
02 FC:1618 130.00 DA

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P.O. Box 1450
Alexandria, VA 22313-1450
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29 MAY 2008

Ropes & Gray LLP
Patent Docketing 39/41
One International Place
Boston, MA 02110-2624

In re Application of ROTHER et al. Application No.: 11/596,382 PCT No.: PCT/US05/17048 Int. Filing Date: 16 May 2005 Priority Date: 14 May 2004 Attorney Docket No.: ALXN-P01-117 For: PROLONGATION OF SURVIVAL OF AN ALLOGRAFT BY INHIBITING COMPLEMENT ACTIVITY	:	DECISION ON PETITION

This decision is issued in response to the declaration filed 18 January 2008 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 16 May 2005, applicants filed international application PCT/US05/17048, which claimed a priority date of 14 May 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 November 2006.

On 14 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; an application data sheet; and a copy of the international application.

On 20 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h). The notification set a two-month time period to respond.

On 18 January 2008, applicants filed a declaration executed by Russell P. Rother and Hao Wang as inventors and Aili Lao on behalf of deceased inventor, Zhen Zhong.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 18 January 2008 was executed by Aili Lao as "executrix" of the deceased inventor, Zhen Zhong. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship and former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(a)(3), the declaration must also provide residence, citizenship, and post office address for the executrix. The declaration filed on 18 January 2008 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for the executrix or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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19 SEP 2008

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P.O. Box 1450
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Ropes & Gray LLP
Patent Docketing 39/41
One International Place
Boston, MA 02110-2624

In re Application of :
ROTHER et al. :
Application No.: 11/596,382 :
PCT No.: PCT/US05/17048 :
Int. Filing Date: 16 May 2005 :
Priority Date: 14 May 2004 :
Attorney Docket No.: ALXN-P01-117 :
For: PROLONGATION OF SURVIVAL OF AN ALLOGRAFT BY INHIBITING COMPLEMENT ACTIVITY :

DECISION ON PAPERS UNDER 37 CFR 1.42

In a communication mailed by this Office on 29 May 2008, the declaration filed by applicant on behalf of deceased inventor Zhen Zhong was dismissed for failure to include all the information required under 37 CFR 1.497. (The declaration provided the residence, citizenship, and post office address for only one individual and it was unclear whether this information was for the executrix or the deceased inventor.)

On 16 July 2008, applicant filed a response to the previous communication that was accompanied by a revised declaration.[1] The declaration submitted on 16 July 2008 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Aili Lao as "executrix," states his/her relationship to the deceased (i.e., executrix), and provides the executrix's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

[1]It is noted that the declaration submitted on 08 July 2008 was defective because applicant failed to include page 2 of 4.

15 JUL 2008

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CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

In re Application of	:	
BECKER, et al.	:	
U.S. Application No.: 11/596,387	:	DECISION ON REQUEST
PCT No.: PCT/US04/15212	:	
Int. Filing Date: 13 May 2004	:	UNDER 37 CFR 1.48(b)
Priority Date: None	:	
Attorney Docket No.: 0560.0098	:	
For: TEMPERATURE CONTROLLED RAILROAD	:	
FREIGHT CAR	:	

This decision is in response to applicant's preliminary amendment and request for deletion of inventors filed 01 May 2008. For the reasons discussed below, the request will be handled by the examiner of record.

BACKGROUND

On 13 May 2004, applicant filed international application PCT/US03/15771. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2006.

On 13 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a partially executed declaration of the inventors.

On 09 November 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 01 May 2008, applicant filed a preliminary amendment canceling claims 21-28; a request for correction of inventorship under 37 CFR 1.48(b) deleting inventors Jospeh Seiter and Ronald Zupancich as named inventors; a declaration signed by and listing Bruce D. Becker and James J. Jarvis as inventors; and a petition for a four-month extension of time. With the filing of the petition for a four-month extension of time and payment of the appropriate extension of time fee, the present response is considered timely filed.

DISCUSSION

As to applicant's petition under 37 CFR 1.48(b), the present national stage application must first be executed by all the named inventors. The filing of a petition under 37 CFR 1.48(b) is not applicable prior to the application being executed by the inventors named in the international application. Under 35 U.S.C. 363, an international application designating the United States has the effect of a national application for a patent regularly filed in the United States. In other words, the U.S. national stage application is considered to have been filed on the international filing date in the names of the inventors/applicants for the United States of America listed on the REQUEST form. The REQUEST indicated Bruce D. Becker, James J. Jarvis, Jospeh Seiter and Ronald Zupancich as applicants/inventors for the United States of America.

37 CFR 1.48(f)(1), by its terms, applies only to a non-provisional application filed under 37 CFR 1.53(b). (See also, 37 CFR 1.9(a)(3)). A national application resulting from an international application entering the national stage under 37 U.S.C. 371 is not an application filed under 37 CFR 1.53(b), but an application that has entered that national stage under 37 CFR 1.494 or 1.495.

Accordingly, the requirements under 35 U.S.C. 371(c)(4) must be met, namely, that an oath or declaration of the inventors complying with the regulations for oaths or declaration of applications be filed. As set forth in 37 CFR 1.497, the oath or declaration must be executed by all the inventors.

CONCLUSION

For the reasons stated above, the request under 37 CFR 1.48(b) will be held in abeyance pending the filing of a compliant oath or declaration under 37 CFR 1.497. Once the 35 U.S.C. 371 requirements have been satisfied the request will be handled in the group art unit.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

10 SEP 2008

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1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND OR 97204-3157

In re Application of	:	
BECKER, et al.	:	
U.S. Application No.: 11/596,387	:	DECISION ON PETITION
PCT No.: PCT/US04/15212	:	
Int. Filing Date: 13 May 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Attorney Docket No.: 0560.0098	:	
For: TEMPERATURE CONTROLLED RAILROAD	:	
FREIGHT CAR	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 08 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.48(b). Applicant was afforded two months to file a compliant oath or declaration satisfying the requirements under 35 U.S.C. 371.

On 08 September 2008, applicant filed the petition under 37 CFR 1.47(a) considered herein to accept the application minus the signatures of inventors Joseph Seiter and Ronald Zupancich.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1)-(3) above.

Specifically, applicant has provided payment of the $200.00 petition fee and the last known addresses of the non-signing inventors. As for the refusal of the inventors to execute and oath or declaration, applicant has shown that the inventors are represented by counsel and included exhibits showing that counsel refused on behalf of Joseph Seiter and Ronald Zupancich to allow them to execute the declaration.

Regarding item (4), applicant has not filed an oath or declaration satisfying the requirements of 37 CFR 1.497(a)-(b). The declaration filed 01 May 2008, while executed by inventors Becker and Jarvis did not lists all four of the inventors. Similarly, the presently filed declaration, while listing all four inventors, has not been executed by inventors Becker and Jarvis on their own behalf and on behalf of Joseph Seiter and Ronald Zupancich.

Therefore, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

2 3 OCT 2008

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Chernoff, Vilhauer, McClung & Stenzel
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204-3157

In re Application of	:	
BECKER, et al.	:	
U.S. Application No.: 11/596,387	:	DECISION ON RENEWED
PCT No.: PCT/US04/15212	:	
Int. Filing Date: 13 May 2004	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.:0560.0098	:	37 CFR 1.47(a)
For: TEMPERATURE CONTROLLED RAILROAD	:	
FREIGHT CAR	:	

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.47(a)" filed 25 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 September 2008, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 25 September 2008, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 10 September 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 - 3.

It is noted that the declaration presently provided does not contain the citizenship of inventors Joseph A. Seiter and Ronald J. Zupancich. However, through an examination of the present declaration and statements contained therein, as well as statements of counsel, it is clear that the declaration originally filed on 13 November 2006 was executed by inventors Bruce D. Becker and James J. Jarvis on their own behalf and on behalf of the non-signing inventors, Joseph A. Seiter and Ronald J. Zupancich. As such, it is appropriate to grant applicant's renewed petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 13 May 2004 under 35 U.S.C. 363, and will be given a date of **13 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Once a "Notice of Acceptance" (Form PCT/DO/EO/903) and Official Filing Receipt are issued, the application will be forwarded to the appropriate Group Art Unit for consideration of applicant's preliminary amendment and request under 37 CFR 1.48(b) to delete Joseph A. Seiter and Ronald J. Zupancich from the application.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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2 3 OCT 2008

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P.O. Box 1450
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www.uspto.gov

Mr. Joseph A. Seiter
1401 Elberon Place
Raleigh, NC 27609

In re Application of
BECKER, et al.
U.S. Application No.: 11/596,387
PCT No.: PCT/US04/15212
Int. Filing Date: 13 May 2004
Priority Date: None
Attorney Docket No.:0560.0098
For: TEMPERATURE CONTROLLED RAILROAD FREIGHT CAR

Dear Mr. Seiter:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

J. Douglas Wells
Chernoff, Vilhauer, McClung & Stenzel
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204-3157

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Ronald J. Zupancich
19 Fireweed Place
Clayton, NC 67520

In re Application of
BECKER, et al.
U.S. Application No.: 11/596,387
PCT No.: PCT/US04/15212
Int. Filing Date: 13 May 2004
Priority Date: None
Attorney Docket No.:0560.0098
For: TEMPERATURE CONTROLLED RAILROAD FREIGHT CAR

Dear Mr. Zupancich:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

J. Douglas Wells
Chernoff, Vilhauer, McClung & Stenzel
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204-3157

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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Isao Ota, et al. :
Application No. 11/596,389 : DECISION ON PETITION
Filed: November 14, 2006 :
Attorney Docket No. 130131 :

This is a decision on the petition, filed August 5, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 12, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before August 12, 2008.

Petitioner states that a timely reply was timely filed via USPS with a USPTO received stamp of October 30, 2008, which included the following papers: a three (3) month extension of time included a check in the amount of $620 and a Request for Continued Examination (RCE) along with a check in the amount of $810. Since the papers were received in the Office on October 30, 2008 which is before the due date of November 12, 2008, the reply was timely if received.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 12, 2008 is hereby **withdrawn** and the application restored to pending status.

The reply received October 30, 2008 will be accepted as timely filed in response to the outstanding Office action mailed May 12, 2008.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1793 for appropriate action in the normal course of business on the reply received October 30, 2008.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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05 DEC 2006

Young & Thompson
745 South 23rd Street
Arlington, VA 22202

In re Application of CIGNARELLA et al. Application No.: 11/596,392 PCT No.: PCT/IB03/00322 Int. Filing Date: 31 January 2003 Priority Date: 08 February 2002 Attorney Docket No.: 2503-1234 For: OXADIAZOLES HAVING ANTIPROLIFERATIVE ACTIVITY	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 14 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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16 AUG 2007

William O Gray III
Ostrolenk Faber Gerb & Soffen
1180 Avenue of the Americas
New York NY 10036-8402

In re Application of	:	
BAGNERES et al	:	
Application No.: 11/596,419	:	
PCT No.: PCT/EP2005/006050	:	
Int. Filing Date: 09 May 2005	:	DECISION
Priority Date: 11 May 2004	:	
Attorney Docket No.: P/3610-82	:	
For: METHOD TO FIGHT AGAINST INSECTS	:	
INCLUDING THE USE OF HYDROCARBON	:	
COMPOUNDS	:	

The decision is in response to applicants' "PETITION TO CHANGE NAME OF INVENTOR", which has properly been treated as a petition under 37 CFR 1.182, filed in the USPTO on 31 January 2007.

BACKGROUND

On 09 May 2005, applicants filed international application PCT/EP2005/006050 which designated the United States and claimed a priority date of 11 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2006 (11 November 2006 being a Saturday).

On 10 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 31 January 2007, applicants submitted the instant "PETITION TO CHANGE NAME OF INVENTOR", which has properly been treated as a petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Sandrine Izzo.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the

appropriate petition fee and (2) an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee of $400 has been charged to Deposit Account 15-0700.

With regard to item (2), the affidavit of Sandrine Izzo is an affidavit setting forth both names (Sandrine Morin and Sandrine Izzo) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

Declaration of Inventors

The declaration of inventors filed 31 January 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $130 was submitted on 31 January 2007.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

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NOV 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Francesc Boixadera Espax	:	
Application No. 11/596,430	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 126344.0101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 16, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Blank Rome, LLP has been revoked by the assignee of the patent application on October 22, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID WATANABE, ESQ.
MOTOROLA, INC., LAW DEPARTMENT
600 NORTH US HIGHWAY 45
LIBERTYVILLE, IL 60048

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Peter Nesvadba	: DECISION ON REQUEST FOR
Patent Number	: 7619050	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **607** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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11 DEC 2007

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 TOWER BLVD., Suite 1200
DURHAM NC 27707

In re Application of	:
GOY et al.	:
Application No.: 11/596,493	: DECISION
PCT No.: PCT/US05/16937	:
Int. Filing: 16 May 2005	:
Priority Date: 14 May 2004	:
Attorney Docket No.: 421/103 PCT/US	:
For: PROUROGUANYLIN, AND SYNTHETIC ANALOGS OR PROTEOLYTIC CLEAVAGE PRODUCTS DERIVED FROM IT, ...	:

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. This is also responsive to applicant's response filed on 10 October 2007 in the United States Patent and Trademark Office (USPTO) in the above-captioned application. Applicant's request for a two month extension of time is Granted.

On 18 June 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that the unexecuted declaration submitted on 13 November 2006 with the request for entry into the national stage, listed the inventor as Nicholas G. Moss, rather than Nicholas G. Moos as listed on the published international application.

On 17 July 2007, a reply to the Notification of Missing Requirements was filed including an executed declaration. However, no explanation regarding the difference in second inventor's name was provided.

On 27 August 2007, a Notification of Defective Response was mailed to applicant indicating that the second inventor's name was different on the declaration than on the international application and clarification was required. Applicant was given one month within which to reply or the time remaining in the response set forth in the Notification of Missing Requirements, whichever was longer.

On 10 October 2007, applicant filed the correction of the inventor's name, notifying the Office that the correct inventor's name is Nicholas G. Moss as indicated in the declaration filed 17 July 2007 rather than Nicholas G. Moos, as incorrectly indicated in the international application as the result of a typographical error.

Applicants' explanation of the difference in Nicholas G. Moss's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **17 July 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

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UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 WEST MAIN STREET, SUITE 300
CHARLOTTESVILLE, VA 22902

Mail Date: 04/21/2010

Applicant	: Gordon W. Laurie	: DECISION ON REQUEST FOR
Patent Number	: 7648964	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,506	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **185** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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1 5 DEC 2009

Wen Tan
5310 Oso Hill Dr.
Corpus Christi TX 78413

In re Application of: TAN, Wen	:	
U.S. Application No.: 11/596,514	:	
PCT No.: PCT/CN2004/000508	:	DECISION
International Filing Date: 19 May 2004	:	
Priority Date: None	:	
Attorney Docket No.: None	:	
For: THE USE OF KAURANES COMPOUNDS IN THE MANUFACTURE OF MEDICAMENT	:	

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 05 October 2009. Applicant has not paid the full petition fee required.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 22 September 2009. The communication confirmed that the present application was abandoned based on applicant's failure to file a timely response to the Notification Of Insufficient Fees (Form PCT/DO/EO/923) mailed 17 July 2008.

On 05 October 2009, applicant filed the petition for revival considered herein.

DISCUSSSION

The present petition was not properly executed by applicant and therefore cannot be considered on the merits at this time. Specifically, the electronic signature on the form is not in an acceptable form. See 37 CFR 1.4(d)(2). Applicant must submit a properly executed petition for revival before such petition may be considered herein.

In addition, it is noted that applicant has submitted $770 for the small entity petition fee; however, the correct small entity petition fee is currently $810. Thus, any corrected petition filed by applicant must be accompanied by payment of the additional $40 necessary to complete the required petition fee.

Finally, in a letter submitted with the present petition, applicant questions why he was required to pay the $52 fee for inclusion of two total claims over twenty when, according to applicant, the present application includes only twenty total claims. Applicant should note that, for purposes of calculating claims fees, multiple dependant claims (such as amended claim 21

here) are counted as more than 1 claim. See 37 CFR 1.75(c): "For fee calculation purposes under § 1.16, a multiple dependent claim will be considered to be that number of claims to which direct reference is made therein."

CONCLUSION

As discussed above, the petition for revival filed 05 October 2009 is not properly signed by applicant and therefore cannot be considered on the merits at this time. As also discussed above, any subsequently filed, properly executed, petition by applicant must be accompanied by the additional $40 necessary to complete the applicable $810 petition fee.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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2 4 FEB 2010

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Wen Tan
5310 Oso Hill Dr.
Corpus Christi TX 78413

In re Application of: TAN, Wen	:	
U.S. Application No.: 11/596,514	:	
PCT No.: PCT/CN2004/000508	:	DECISION
International Filing Date: 19 May 2004	:	
Priority Date: None	:	
Attorney Docket No.: None	:	
For: THE USE OF KAURANES COMPOUNDS IN THE MANUFACTURE OF MEDICAMENT	:	

This decision is issued in response to the revised petition for revival under 37 CFR 1.137(b) filed 22 January 2010. Applicant has paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 22 September 2009 and the decision mailed 15 December 2009. The communication and decision confirmed that the present application was abandoned based on applicant's failure to file a timely response to the Notification Of Insufficient Fees (Form PCT/DO/EO/923) mailed 17 July 2008.

The decision mailed 15 December 2009 indicated that applicant's previous petition for revival under 37 CFR 1.137(b) could not be considered on the merits because it was not properly executed and was not accompanied by the full petition fee required.

On 22 January 2010, applicant filed the revised petition for revival considered herein.

DISCUSSSION

The present petition for revival was accompanied by payment of the full petition fee, and the "required reply" in the form of a proper response to the "Notification Of Insufficient Fees (Form PCT/DO/EO/923) mailed 17 July 2008 was previously submitted on 20 July 2009. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

CONCLUSION

The revised petition for revival filed 22 January 2010 is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 November 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/596,518	11/15/2006	Andre Hoffmann	HOFFMANN, A-4 PCT	5432

25889 7590 11/03/2009
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER
EVANS, FANNIE L

ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Paper No. 20091029

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of:	:	
Andre Hoffman	:	PETITION TO ACCEPT COLOR
Serial No.: 11/596,518	:	DRAWINGS
Filed: October 10, 2002	:	UNDER 37 CFR § 1.84(a)(2)
Attorney Docket No.: HOFFMANN, A-4 PCT	:	

This is a decision on the petition filed August 3, 2009 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

2 5 JAN 2008

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COMMISSIONER FOR PATENTS
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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

In re Application of: SCHWENDEMAN, Steven, P., et al. U.S. Application No.: 11/596,524 PCT No.: PCT/US2005/017140 International Filing Date: 16 May 2005 Priority Date: 14 May 2004 Attorney's Docket No.: 30200/04002 For: METHODS FOR ENCAPSULATION OF BIOMACROMOLECULES IN POLYMERS	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request to Correct Inventorship under 37 CFR 1.48(a)" filed 20 August 2007, treated herein under 37 CFR 1.497(d).[1] Applicant has submitted the required $130 processing fee.

BACKGROUND

On 16 May 2005, applicant filed international application PCT/US2005/017140. The application claimed a priority date of 14 May 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 November 2006. The published international application identified a single applicant/inventor for the United States, Steven P. SCHWENDEMAN.

On 14 November 2006, applicant filed a Transmittal Letter for entry into the national stage in the U.S. accompanied by, among other materials, payment of the basic national fee.

On 16 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 29 May 2007, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge and a declaration executed by three persons (inventor of record Steven P. SCHWENDEMAN, as well as Samuel E. REINHOLD III and Jichao KANG).

[1] 37 CFR 1.48(a) does not apply to national stage applications, such as the present case, which have not yet complied with the requirements of 35 U.S.C. 371(c); the applicable regulation is 37 CFR 1.497(d).

On 29 June 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 29 May 2007 was defective based on its inclusion of two inventors who are not of record.

On 20 August 2007, applicants filed the request to correct inventorship considered herein under 37 CFR 1.497(d). The petition seeks to add Samuel E. REINHOLD III and Jichao KANG as additional inventors of record.

DISCUSSION

Where, as here, the filed declaration names additional inventors who were not identified on the international application, 37 CFR 1.497(d) requires applicant to submit: (1) a statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intent; (2) the processing fee; (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (in the form required by 37 CFR 3.73(b)), and (4) any new oath or declaration required by paragraph (f) of 37 CFR 1.497(d) (it is noted that item (4) does not apply to the present application).

Applicant here has submitted the required statements of non-deceptive intent from the inventors to be added, Samuel E. REINHOLD III and Jichao KANG. Item (1) is therefore satisfied.

Applicant has also submitted the required $130 processing fee. Item (2) is therefore satisfied.

Regarding item three, applicant has submitted the written consent of the assignee to the addition of the two inventors, and the statement of consent complies with the requirements of 37 CFR 3.73(b). Item (3) is therefore satisfied.

Based on the above, applicant has satisfied the requirements of 37 CFR 1.497(d). The inventorship of record herein is therefore appropriately corrected to include added inventors Samuel E. REINHOLD III and Jichao KANG.

CONCLUSION

Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to include added inventors Samuel E. REINHOLD III and Jichao KANG.

Based on the above correction, the declaration filed 29 May 2007 is now acceptable in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 May 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001-4413

Applicant: Markus Storr, et al.
Appl. No.: 11/596,534
International Filing Date: June 3, 2005
Title: MIF ADSORBANT
Attorney Docket: 04623.0011
Pub. No.:2009/0163599 A1
Pub. Date: June 25, 2009

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OFFICE OF PETITIONS

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on August 24, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein (1) Fig. 4, was improperly displayed instead of Fig. 1, and the citation (from Riedemann et al, 2003 (Nature Medicine 9; 517-524)) was not included at the bottom of Fig. 4., and (2) the assignee information was omitted from the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requester with respect to the assignee information is not an Office error. The applicant's representative did not include the assignee information on the transmittal letter or Application Data Sheet. [2] Applicant should not rile requests for corrected publication when a

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] See 37 CFR 1.215, MPEP 1122 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

publication includes errors in assignment information or missing assignment information. See MPEP 1130.

With respect to publishing Fig. 4 on the front page instead of Fig. 1, the Office may select which drawing is to be published. With respect to the language beneath the drawing, it may be an Office error, but it is not a material error under 37 CFR 1.221(b). The error with the drawings does not affect the understanding of the application, in that it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On March 19, 2009, a Filing Receipt was mailed by the Office, which did not include any assignment information. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a correct filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

0 9 JAN 2008

00140
LADAS & PARRY
26 West 61st Street
New York, NY 10023

In re Application of CADUFF *et al* U.S. Application No.: 11/596,565 PCT No.: PCT/CH2004/000345 Int. Filing Date: 07 June 2004 Priority Date: None Attorney Docket No.: U 016591-5 For: A METHOD AND DEVICE FOR DETERMINING A PARAMETER OF LIVING TISSUE	:	**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 28 September 2007.

BACKGROUND

On 01 August 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 28 September 2007, applicants filed a response which was accompanied by, *inter alia*, the subject petition; a declaration signed by four of the five named inventors; a $130.00 petition fee; various exhibits with accompanying English translations; and authorization to charge any required additional fee to charged to Deposit Account No. 12-0425.

On 30 November 2007, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 28 September 2007.

DISCUSSION

Applicants claim that Mr. Pascal Truffer refuses to cooperate and filed the petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905 mailed 01 August 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

Concerning item (1), the fee for a petition under 37 CFR 1.47 changed to $200.00 on 08 December 2004. Petitioners submitted a $130.00 petition fee on 28 September 2007. The $70.00 difference has been charged to Deposit Account No. 12-0425 as authorized. Item (1) of 37 CFR 1.47(a) is complete

Regarding item (2), the 37 CFR 1.47(a) applicants' submitted proof that a complete copy of the subject application was forwarded to the nonsigning inventor in a letter (with English translation) dated 24 May 2007. A letter (with English translation) dated 26 June 2007 from the nonsigning inventor which constitutes a written refusal to cooperate as contemplated in section 409.03(d) of the MPEP was also provided. This is sufficient to show a refusal to cooperate pursuant to section 409.03(d) of the MPEP and meets item (2) of 37 CFR 1.47(a) above.

With regards to item (3), the last known address of co-inventor Pascal Truffer is listed in the documents submitted.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by three of the four named co-inventors on behalf of themselves and the nonsigning joint inventor. The residences, addresses and citizenship of all the inventors are recorded on the declaration. It is noted that the nonsigning inventor was listed as the "second joint inventor" and placed on the declaration four times. Nonetheless, this declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

All items of 37 CFR 1.47(a) are satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 June 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 28 September 2007.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

11/596,565

This application is being forwarded to the Office of Patent Application Processing for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

MAR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Hisakazu Nakamura, et al.	:	
Application No. 11/596,595	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 4034-98	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 18, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

United States Patent and Trademark Office

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO, CA 92121-1127

04 APR 2007

In re Application of	:	
Epple et al.	:	
Application No.: 11/596,596	:	DECISION
PCT No.: PCT/US05/16672	:	
Int. Filing Date: 12 May 2005	:	ON
Priority Date: 14 May 2004	:	
Attorney Docket No.: P1145US10	:	PETITION
For: Compounds And Compositions As PPAR Modulators	:	

This is a decision on applicant's "Petition To Correct Filing Date" filed on 04 January 2007, which is being treated under 37 CFR 1.10(c).

BACKGROUND

This international application was filed on 12 May 2005, claimed a priority date of 14 May 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 01 December 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 14 November 2006. Applicants filed *inter alia* the basic national fee on 14 November 2006 (as discussed below).

DISCUSSION

Petitioner requests adjustment of the "filing date for the above-identified application" (interpreted as the filing date of the basic national fee, the transmittal letter, etc.) on the basis of Express Mail evidence. This petition is being treated under 37 CFR 1.10(c). Under 37 CFR 1.10(c), where a discrepancy can be shown between the filing date accorded to correspondence by the USPTO and the date of deposit as shown as the "date-in" on the "Express Mail" mailing label or other USPS notation, the Commissioner may be petitioned to accord the correspondence a filing date as of the "date-in" or other official USPS notation.

The instant petition complies with **37 CFR 1.10(c)(1)**.

Regarding **37 CFR 1.10(c)(2)**, counsel's attention is respectfully drawn to MPEP 513, which states in part that

> Effective December 2, 1996, 37 CFR 1.10(b) no longer requires a certificate of mailing by "Express Mail" or that the "Express Mail" mailing label number be placed on the correspondence prior to mailing. Correspondence deposited with the USPS on or after December 2, 1996, and which is actually received by the Office will not be denied a filing date as of the "date-in" appearing on the "Express Mail" mailing label because the number of the "Express Mail" mailing label was not placed on the correspondence prior to the original mailing. However, if the number of the mailing label did not appear on the correspondence as originally filed, relief will not be granted on petition under 37 CFR 1.10(c) **>, (d), (e), (g) or (h)<, even if the party who filed the correspondence satisfies

the other requirements of 37 CFR 1.10(c), 1.10(d) * 1.10(e)>, 1.10(g), or 1.10(h)<. To be effective, the number must be placed on each separate paper and each fee transmittal either directly on the document or by a separate paper firmly and securely attached thereto. In situations wherein the correspondence includes several papers directed to the same application (for example, the specification, drawings, and declaration for a new application), the correspondence may be submitted with a cover or transmittal letter which should itemize the papers. It is not necessary that the number be placed on each page of a particular paper or fee transmittal. Merely placing the number in one prominent location on each separate paper or fee transmittal (or cover sheet or transmittal letter which should itemize the separate papers and fees) will be sufficient.

Since the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omis–sion considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a). See *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), *aff'd without opinion*, 95 F.3d 1166 (Fed. Cir. 1996); *Nitto Chemical Industry. Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent applica–tion not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); *Vincent v. Mossinghoff*, 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); *Gustafson v. Strange*, 227 USPQ 174 (Comm'r Pat. 1985) (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.*, 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation).

Inspection of the papers received on 15 November 2006 reveals that Express Mail mailing label number EV798003665US appears on the Preliminary Amendment and the Application Data Sheet but that it has not been recorded on the other individual papers received on 15 November 2006, notably the Transmittal Letter. However, based on the totality of the evidence of record in this application, the requirements of 37 CFR 1.10(c)(2) are deemed to have been satisfied.

With regard to **37 CFR 1.10(c)(3)**, counsel has provided a satisfactory showing, including a copy of the "Customer Copy" of Express Mail mailing label EV798003665US bearing a USPS plug stamp of "NOV 14 2006" and a copy of a USPS receipt showing payment for postage for said parcel on "11/14/2006."

CONCLUSION

The petition is **GRANTED**.

The correspondence received on 15 November 2006, including inter alia the basic national fee and the Transmittal Letter, is deemed to have been filed on 14 November 2006 pursuant to 37 CFR 1.10(c).

This application is being forwarded to the National Stage Processing Branch for further processing, including (1) correction of USPTO records to change the "date" of the correspondence and fees described above from 15 November 2006 to the correct date of 14 November 2006, and (2) the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the filing of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

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AUG 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Jean-Michel Lefrancois, et al.	:	
Application No. 11/596,597	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MARKS1101.US	:	
(041376-1101		

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 11, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 23, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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200 WEST ADAMS STREET, SUITE 2850
CHICAGO, IL 60606

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SEP 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Shunpei YAMAZAKI, et al.	:	
Application No. 11/596,614	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **0553-0546**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 4, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 12, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

- 8 JUN 2010

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20529
NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

In re Application of	:	
TRINKS *et al*	:	
U.S. Application No.: 11/596,645	:	
PCT No.: PCT/EP2004/066720	:	
Int. Filing Date: 17 December 2004	:	
Priority Date: 19 May 2004	:	**DECISION**
Attorney Docket No.: PAL-020US	:	
For: METHOD AND DEVICE FOR DETACHING A COMPONENT WHICH IS ATTACHED TO A FLEXIBLE FILM	:	

This decision is in response to matters brought to the attention of the Office of PCT Legal Administration under 35 U.S.C. 371.

A review of the declaration provided in the international application pursuant to PCT Rule 4.17(iv) shows that it is not acceptable for the following reason.

The German language declaration appears to be a composite declaration consisting of two complete declarations, one listing Joachim TRINKS and Dr. Andreas MARTE as the inventors, and another listing Dr. Wolfgang HERBST as the inventor.

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor **must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity.** *See* MPEP § 605.04(a).

In this case, the declaration does not contain a complete listing of all applicants. Each page of the declaration is a complete declaration. Applicants should have used the Continuation of Box No. VIII(i) to (v) in the PCT Request (Form PCT/RO/101) for Dr. HERBST.

Since the declaration is not accepted, the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) mailed 30 August 2007 contains erroneous information with regards to the "Date of Receipt of 35 USC 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date of Completion of 35 USC 371 Requirements." The filing receipt mailed 30 August 2007 contains erroneous information regarding the "Filing or 371 Date" listed.

The Form PCT/DO/EO/903 and filing receipt mailed on 30 August 2007 are **VACATED**.

Applicants have **TWO (2) MONTHS** to provide a declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Extensions of time pursuant to 37 CFR 1.136(a) are available.

Failure to respond will result in the **ABANDONMENT** of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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19 DEC 2006

Francis C. Hand
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein
5 Becker Farm
Roseland, NJ 07068

In re Application of CHRISTEL et al. Application No.: 11/596,651 PCT No.: PCT/CH05/00036 Int. Filing Date: 24 January 2005 Priority Date: 23 March 2004 Attorney Docket No.: 76775.16 For: PARTIALLY CRYSTALLINE POLYETHYLENETEREPHTHALATE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 NOV 2009

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

In re Application of	:	
BAKER, Terence, Seward, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/596,654	:	FOR WITHDRAWAL AS
PCT No.: PCT/GB2005/001950	:	ATTORNEY OF RECORD
Int. Filing Date: 17 May 2005	:	
Priority Date: 19 May 2004	:	
Attorney Docket No.: CELL-0319	:	
For: CROSS-LINKED ANTIBODIES	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed 10 October 2007.

The criteria for submitting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. A withdrawal of another attorney or agent of record, without also withdrawing the attorney or agent signing the request is a revocation, not a withdrawal.
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Jane E. Inglese has provided a clear indication that the request for withdrawal is being made on behalf of her and all other attorneys/agents associated with Customer Number 23377.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. USPTO records have been corrected to remove above-named counsel as attorney of record and update the correspondence address.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296
Fax: (571) 273-0459

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

In re Application of	:	
DONALD MARTIN MONRO	:	DECISION ON REQUEST TO
Application No. 11/596,655	:	PARTICIPATE IN PATENT
Filed: December 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 52076-7006	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 30, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any Response must be submitted by EFS web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

JAN 29 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO IL 60602-4224

In re Application of	:	
MONRO, DONALD MARTIN	:	DECISION ON REQUEST TO
Application No. 11/596,655	:	PARTICIPATE IN PATENT
Filed: December 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 52076-7006	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 30, 2008 and January 2, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO, IL 60602-4224

Mail Date: 08/03/2010

Applicant	: Donald Martin Monro	: DECISION ON REQUEST FOR
Patent Number	: 7650020	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/596,655	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
www.uspto.gov

18 OCT 2007

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of MAKI et al. Application No.: 11/596,663 PCT No.: PCT/JP05/09158 Int. Filing Date: 19 May 2005 Priority Date: 19 May 2004 Attorney Docket No.: 2167-0133PUBUS1 For: METHOD OF DETECTING HEPATITIS B VIRUS	DECISION ON SUBMISSION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. Applicant submitted an executed declaration in the above referenced application filed in the United States Patent and Trademark Office on 16 November 2006.

BACKGROUND

On 16 November 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee. The published international application identified the first inventor as Chiharu Oue. However, the declaration identified the first inventor as Chiharu Ohue and was executed as such.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Chiharu Oue.". The declaration, filed on 16 November 2007, is signed by "Chiharu Ohue". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change the first inventor's name to Ohue, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

The declaration of inventors submitted by applicants on 16 November 2007 is not in

compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

The application will be forwarded to the Office of Patent Application Processing for further processing including issuance of a Notification of Missing Requirements.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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06 DEC 2006

CARELLA, BYRNE, BAIN ET AL
5 BECKER FARM ROAD
ROSELAND, NJ 07068-1739

In re Application of LIEN et al	:	
U.S. Application No.: 11/596,688	:	
PCT Application No.: PCT/NO2005/000128	:	
Int. Filing Date: 18 April 2005	:	DECISION
Priority Date Claimed: 16 April 2004	:	
Attorney Docket No.: 53550.82	:	
For: METHOD FOR COLLECTION AND	:	
REGISTRATION SEISMIC DATA	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 15 November 2006.

BACKGROUND

On 18 April 2005, applicant filed international application PCT/NO2005/000128, which claimed priority of an earlier Norway application filed 16 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 27 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 16 October 2006.

International application PCT/NO2005/000128 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 November 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 3 JAN 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Komal Shah
InnovarIP Consulting Group
2 Rushabh Complex, Off Link Road
Andheri West
Mumbai 40005-8
IN INDIA

In re Application of NUNN Serial No.: 11/596,703 PCT No.: PCT/GB05/01934 Int. Filing Date: 19 May 2005 Priority Date: 19 May 2004 Attorney's Docket No.: None For: DETECTION OF AMPLICON CONTAMINATION DURING PCR EXHIBITING TWO DIFFERENT ANNEALING TEMPERATURES	DECISION ON PETITION UNDER 37 CFR 1.137(a)

This is a decision on applicant's petition to revive under 37 CFR 1.137(a), which was filed in the United States Patent and Trademark Office on 10 November 2008 in the above-captioned application. Applicant also alleges that the petition fee was charged twice and requests refund of any duplication of petition fee.

BACKGROUND

On 19 May 2005, applicant filed international application PCT/GB05/01934 which claimed a priority date of 19 May 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 19 November 2006.

On 16 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by, *inter alia*: the basic national fee. The application papers were assigned U.S. serial number 11/596,703. On 29 November 2006, the Office issued a Raw Sequence Listing Error Report regarding errors in the computer readable form.

On 02 January 2008, a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) was mailed to applicant indicating, *inter alia*, that a copy of the "Sequence Listing" in computer readable form (CFR) had been submitted. Applicant was advised to provide a substitute CFR copy of the sequence listing and a statement that the content of the sequence listing recorded in the CFR was identical to the written sequence listing. Applicant was given two months from the date of the notice within which to file the items indicated to avoid abandonment.

On 30 September 2008, a Notification of Abandonment was mailed to applicant indicating

that the application was abandoned for failure to reply to the Form 922 within the time period set therein.

On 10 November 2008, applicant filed the instant petition to revive the application unavoidably abandoned pursuant to 37 CFR 1.137(a). Thereafter, applicant was advised by the undersigned that the petition fee had not been submitted. On 28 November 2008, applicant submitted the petition fee.

On 18 December 2008, a review of the sequence listing submitted on 10 November 2008 indicated that the sequence listing could not be accepted.

DISCUSSION

Petition under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Item (1) is not satisfied as the Raw Sequence Listing Error Report for CFR, received on 28 November 2008 and reviewed on 18 December 2008, detected errors when processing the CFR for this application. A copy of this Report is enclosed. Applicant has not yet complied with the Notification mailed on 02 January 2008, which is the proper reply required noted above for a petition to revive.

Item (2) is satisfied with the payment of the petition fee.

Concerning item (3), Petitioner indicates that the Notifications issued by the USPTO were not received by applicant. Petitioner does not request a withdrawal of the holding of abandonment under 37 CFR 1.181 based upon non-receipt of an Office action (MPEP 711.03(c) I. A. Petition to Withdraw Holding of Abandonment Based Upon Failure to Receive Office Action. The evidence required for this petition was not submitted. The only evidence in support of the petition to revive was a phone bill indicating a call to the PCT Help Desk on 01 April 2008 and a copy of the Notification of Abandonment faxed from the PCT Help Desk to applicant on 30 October 2008.

Petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner's statement and explanation are insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." *Ex Parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887).

A petition to revive under 37 CFR 1.137(a) cannot be granted where a petition has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. *Haines v.Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2nd 1130, 1131-32 (N.D. Ind. 1987). Therefore, since applicant has not satisfied Items (1) and (3) above, the granting of the

petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper. The petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

Petition under 37 CFR 1.137(b)

In the alternative, applicant may request revival of the application via petition under 37 CFR 1.137(b).

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

Request for Refund

Applicant indicates that fees for the petition to revive this application were charged twice to her credit card. A review of the USPTO finance record does not indicate that the fee for revival of an unavoidably abandoned application was charged twice. Only one charge of $540 (petition fee) is reflected in the records, charged on 18 November 2008. However, the record does indicate that a charge of $510 was charged to the credit card on 14 November 2008 and thereafter refunded on 24 December 2008. Thus, applicant's request for a refund is dismissed.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice**.

The request for a refund of the petition to revive unavoidably abandoned application is **DISMISSED without prejudice**.

The application remains **ABANDONED**.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Encl.: Sequence Listing Error Report

2 1 MAY 2009

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Komal Shah
InnovarIP Consulting Group
2 Rushabh Complex, Off Link Road
Andheri West
Mumbai 40005-8
IN INDIA

In re Application of NUNN Serial No.: 11/596,703 PCT No.: PCT/GB05/01934 Int. Filing Date: 19 May 2005 Priority Date: 19 May 2004 Attorney's Docket No.: None For: DETECTION OF AMPLICON CONTAMINATION DURING PCR EXHIBITING TWO DIFFERENT ANNEALING TEMPERATURES	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 20 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire period of delay in filing the required reply from the due date for required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the sequence listings have now been provided. The required petition fee of $1640 also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1,(c)(2) and (c)(4) is 16 November 2006.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

27 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of	:	DECISION ON
MARINO	:	
Application No.: 11/596,719	:	PETITION UNDER
PCT No.: PCT/US2005/017106	:	
Int. Filing Date: 16 May 2005	:	37 CFR § 1.47(b)
Priority Date: 18 May 2004	:	
Attorney Docket No.: V7500.0009/P009	:	
For: APPARATUS FOR AND METHOD OF	:	
USING RFID ANTENNA CONFIGURATIONS	:	

This is a decision on applicant's petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 21 August 2008. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 16 May 2005, applicant filed international application PCT/US2005/017106, which designated the US and claimed a priority date of 18 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 November 2006 (18 November 2006 being a Saturday).

On 17 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 August 2008, applicant submitted the instant petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Eric Oliver, a copy of a letter from Jeremy Cubert to Ronald Marino dated 31 March 2008, a copy of an e-mail from FedEx for a package delivered to Ronald Marino on 01

April 2008, a copy of a letter from Ronald Marino to Jeremy Cubert dated 05 January 2007, a copy of a letter from Ronald Marino to Jeremy Cubert dated 15 January 2007, and an executed copy of an assignment between MeadWestvaco Corporation and Vue Technology, Inc.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (4), and (6) have been met.

Item (2) has not been met. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it appears that Mr. Marino was only presented with a Declaration and Assignment (letter from Jeremy Cubert to Ronald Marino dated 31 March 2008). Additionally, MPEP § 409.03(d) states in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the statement of facts is not made by a person having firsthand knowledge (i.e., Jeremy Cubert) of the circumstances of the presentation of the application papers and of the response by Mr. Marino.

Item (5) has not been met. While a chain of title from MeadWestvaco Corporation to Vue Technology, Inc. has been established, ownership of the invention by MeadWestvaco Corporation has not been established. Attention is directed to MPEP § 409.03 which states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an

employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

4 JUN 2009

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Alexandria, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of	:	DECISION ON
MARINO	:	
Application No.: 11/596,719	:	PETITION UNDER
PCT No.: PCT/US2005/017106	:	
Int. Filing Date: 16 May 2005	:	37 CFR § 1.47(b)
Priority Date: 18 May 2004	:	
Attorney Docket No.: V7500.0009/P009	:	
For: APPARATUS FOR AND METHOD OF	:	
USING RFID ANTENNA CONFIGURATIONS	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 27 March 2009. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 16 May 2005, applicant filed international application PCT/US2005/017106, which designated the US and claimed a priority date of 18 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 November 2006 (18 November 2006 being a Saturday).

On 17 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 August 2008, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Eric Oliver, a copy of a letter from Jeremy Cubert to Ronald Marino dated 31 March

2008, a copy of an e-mail from FedEx for a package delivered to Ronald Marino on 01 April 2008, a copy of a letter from Ronald Marino to Jeremy Cubert dated 05 January 2007, a copy of a letter from Ronald Marino to Jeremy Cubert dated 15 January 2007, and an executed copy of an assignment between MeadWestvaco Corporation and Vue Technology, Inc.

On 27 October 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b) for failure to provide factual proof that the inventor refuses to execute the application and for failure to provide proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 27 March 2009, applicant submitted the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a copy of a letter dated 12 September 2008 from Rachael Lea Leventhal to Ronald A. Marino (page 61 in IFW of submission filed 27 March 2009), a copy of a letter dated 04 March 2009 from David Jakopin to Ronald A. Marino (page 71 in IFW of the 27 March 2009 submission), a copy of FedEx tracking results for correspondence mailed 04 March 2009 (page 126 in IFW of the 27 March 2009 submission), a Consulting Agreeement between MeadWestvaco and Ron Marino (pages 127-129 in IFW of the 27 March 2009 submission), and a copy of an Agreement and Plan of Merger between Vue Technologies, Inc. and Sensormatic Electronics Corporation (page 130-134 in IFW of the 27 March 2009 submission).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 27 October 2008, items (1), (3), (4), and (6) have been met.

Item (2) has still not been met. It is not clear whether Mr. Marino resides at the address at which the correspondence including a copy of the application papers was delivered. The tracking results (page 126 in IFW of the submission filed 27 March 2009) indicate that the correspondence was left at the garage of the correspondence address and no signature was obtained. Thus, it is not clear whether Mr. Marino resides at this address, whether he was presented with the application papers, and whether his conduct constitutes a refusal to sign. No tracking results were provided for the letter dated 12 September 2008.

Item (5) has still not been met. A chain of title from MeadWestvaco Corporation to Vue Technology, Inc. has been established as has a chain of title from Vue Technology, Inc. to Sensormatic Electronics Corporation. However, ownership of the invention by MeadWestvaco Corporation has not been established. The Consulting Agreement signed by Mr. Marino does not include an express agreement to assign all inventions made during employment to MeadWestvaco. Moreover, even assuming arguendo that the Consulting Agreement was an agreement to assign all inventions made during employment, a statement of facts by someone with firsthand knowledge of the circumstanstances in which the invention was made would be required. Attention is directed to MPEP § 409.03 which states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper

response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 9 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of	:	DECISION ON
MARINO	:	
Application No.: 11/596,719	:	PETITION UNDER
PCT No.: PCT/US2005/017106	:	
Int. Filing Date: 16 May 2005	:	37 CFR § 1.47(b)
Priority Date: 18 May 2004	:	
Attorney Docket No.: V7500.0009/P009	:	
For: APPARATUS FOR AND METHOD OF	:	
USING RFID ANTENNA CONFIGURATIONS	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 06 November 2009. The petition is **GRANTED**.

BACKGROUND

On 16 May 2005, applicant filed international application PCT/US2005/017106, which designated the US and claimed a priority date of 18 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 November 2006 (18 November 2006 being a Saturday).

On 17 November 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 22 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 August 2008, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Eric Oliver, a copy of a letter from Jeremy Cubert to Ronald Marino dated 31 March

2008, a copy of an e-mail from FedEx for a package delivered to Ronald Marino on 01 April 2008, a copy of a letter from Ronald Marino to Jeremy Cubert dated 05 January 2007, a copy of a letter from Ronald Marino to Jeremy Cubert dated 15 January 2007, and an executed copy of an assignment between MeadWestvaco Corporation and Vue Technology, Inc.

On 27 October 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b) for failure to provide factual proof that the inventor refuses to execute the application and for failure to provide proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 27 March 2009, applicant submitted a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a copy of a letter dated 12 September 2008 from Rachael Lea Leventhal to Ronald A. Marino (page 61 in IFW of submission filed 27 March 2009), a copy of a letter dated 04 March 2009 from David Jakopin to Ronald A. Marino (page 71 in IFW of the 27 March 2009 submission), a copy of FedEx tracking results for correspondence mailed 04 March 2009 (page 126 in IFW of the 27 March 2009 submission), a Consulting Agreement between MeadWestvaco and Ron Marino (pages 127-129 in IFW of the 27 March 2009 submission), and a copy of an Agreement and Plan of Merger between Vue Technologies, Inc. and Sensormatic Electronics Corporation (page 130-134 in IFW of the 27 March 2009 submission).

On 04 June 2009, a decision was mailed dismissing without prejudice applicant's renewed petition under 37 CFR 1.47(b) for failure to provide factual proof that the inventor refuses to execute the application and for failure to provide proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 06 November 2009, applicant submitted the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of facts by David A. Jakopin, a copy of a letter from Mr. Jakopin to Mr. Marino dated 02 September 2009 (page 71 in IFW of submission filed 06 November 2009), a copy of FedEx tracking results for this correspondence (page 126 in IFW of submission filed 06 November 2009), a declaration of facts by Richard Campero (page 132 in IFW of submission filed 06 November 2009), and a Consulting Agreement between MeadWestvaco and Ron Marino (page 135 in IFW of the 06 November 2009 submission)

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing

inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 27 October 2008, items (1), (3), (4), and (6) have been met.

Item (2) has now been met. It has been established that Mr. Marino was presented with a copy of the application papers. Mr. Marino's conduct constitutes a refusal to sign.

Item (5) has now been met as well. As noted in the declaration of facts by Mr. Jakopin, paragraph 6 of the Consulting Agreement evidences Mr. Marino's obligation to assign inventions made pursuant to the Consulting Agreement. The declaration of facts by Mr. Campero establishes that the invention was made pursuant to the terms of the Consulting Agreement.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **21 August 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

2 9 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ronald A. Marino
4 Reagan Drive
Jackson, NJ 08527

In re Application of
MARINO
Application No.: 11/596,719
PCT No.: PCT/US2005/017106
Int. Filing Date: 16 May 2005
Priority Date: 18 May 2004
Attorney Docket No.: V7500.0009/P009
For: APPARATUS FOR AND METHOD OF USING RFID ANTENNA CONFIGURATIONS

Dear Mr. Marino:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

1 9 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206

In re Application of	:	
GIBSON et al.	:	
U.S. Application No. 11/596,722	:	
PCT No.: PCT/US05/17581	:	
Int. Filing Date: 17 May 2005	:	COMMUNICATION
Priority Date: 17 May 2004	:	
Attorney Docket No.: B1075.71025US01	:	
For: IRRIGATED CATHETER	:	

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 17 May 2005, applicant filed international application No. PCT/US05/17581, which claimed a priority date of 17 May 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 November 2006.

On 17 November 2006, applicant filed, through Eric L. Amundsen of the law firm of Wolf, Greenfield & Sacks, P.C., a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; an information disclosure statement; and an application data sheet. The submission, identifying international application no. PCT/US05/17581, was assigned U.S. application number 11/596,722.

On 17 November 2006, applicant filed, through Melissa Beede of the law firm of Wolf, Greenfield & Sacks, P.C., a second transmittal letter for entry into the national stage in the United States referencing the international application PCT/US05/17581, which was accompanied by, *inter alia*, a second basic national fee; a copy of the international application; an information disclosure statement; and an application data sheet. These papers were assigned U.S. application number 11/597,015.

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DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/US05/17581 (United States application numbers 11/596,722 and 11/597,015). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

Applicants should use application number 11/596,722 in all future communications with the United States Patent and Trademark Office (PTO). Application number 11/597,015 will be discontinued.

CONCLUSION

Application no. 11/596,722 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 11/597,015 into U.S. Application no. 11/596,722 and (2) refund the filing fees of $900 paid in connection with the 11/597,015 application to deposit account no. 23-2825.

Applicants should use application number 11/596,722 in all future communications with the United States Patent and Trademark Office (PTO).

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

Copied from 10596722 on 07/07/2008

1 9 JAN 2010

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Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206

In re Application of	:	
GIBSON et al.	:	
U.S. Application No. 11/596,722	:	
PCT No.: PCT/US2005/017581	:	
Int. Filing Date: 17 May 2005	:	DECISION ON REQUEST
Priority Date: 17 May 2004	:	
Attorney Docket No.: B1075.71025US01	:	
For: IRRIGATED CATHETER	:	

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 30 June 2009. Applicants are notifying the Office that the third inventor's name is Hab Seang as indicated on the declaration (filed 26 September 2008) rather than Hab Saeng as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts in the present petition that "an error of a typographical nature occurred in the spelling of inventor Seang's last name at the time filing the of the PCT application." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the third inventor's name is accepted and noted for the record. For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

18 NOV 2008

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Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON NJ 08543

In re Application of	:	
CINA et al.	:	
Application No.: 11/596,749	:	DECISION ON
PCT No.: PCT/FR2005/050322	:	
Int. Filing Date: 13 May 2005	:	PETITION UNDER
Priority Date: 17 May 2004	:	
Attorney Docket No.: PF040071	:	37 CFR 1.137(b)
For: ORGANIC LIGHT-EMITTING DIODE	:	
(OLED) WITH IMPROVED LIGHT EXTRACTION	:	
AND CORRESPONDING DISPLAY UNIT	:	

This decision is in response to applicants' submission filed 04 September 2008.

BACKGROUND

On 13 May 2005, applicants filed international application PCT/FR2005/050322 which designated the U.S. and claimed a priority date of 17 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 November 2006.

On 16 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 04 October 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 July 2008, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 04 October 2007 within the time period set therein.

On 04 September 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventors on 04 September 2008.

As to item (2), applicant submitted the petition fee on 04 September 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 04 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450,

Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN DIEGO, CA 92130-2040

COPY MAILED

NOV 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Alan Edward Jones	:	
Application No. 11/596,795	:	DECISION ON PETITION
Filed: November 4, 2008	:	TO WITHDRAW
Attorney Docket No. **562492008200**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 10, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor. The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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12 JAN 2009

Jones & Smith, LLP
2777 Allen Parkway, Suite 800
Houston, TX 77019-2141

In re Application of
AUST et al.
Application No.: 11/596,822
PCT No.: PCT/EP05/03291
Int. Filing Date: 30 March 2005
Priority Date: 17 May 2004
Attorney Docket No.: 016273-01300
For: DEVICE AND METHOD FOR LOCATING MISSING PERSONS AND/OR OBJECTS

DECISION ON PETITION

This decision is issued in response to the declaration submitted on 19 March 2008 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 30 March 2005, applicants filed international application PCT/EP05/03291, which claimed a priority date of 17 May 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 27 July 2007.

On 17 November 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

On 24 October 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 19 March 2008, applicant filed an executed declaration.

On 08 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 19 March 2008.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration(s) filed 19 March 2008 reveals one document names only Michael Aust as inventor, with language indicating that he is the "original, first, and sole inventor (if only one name is listed below). This document is defective because it fails to nominate the entire inventive entity. The second declaration document implies that both Peter Aust and Michael Aust are inventors, but this in conflict with the inventive entity named in the other declaration. This second declaration document names "Michael Aust" as "legal representative" of Peter Aust, and it provides the legal representative's citizenship, postal address, and residence information. However, neither of the documents clearly provides the required information (e.g. citizenship) for Peter Aust (the preamble of said second declaration documents refers to a "citizen of Germany" but that statement could be interpreted to pertain to Michael Aust).

Pursuant to 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Thus, in order for the declaration to be acceptable under 37 CFR 1.42 , 37 CFR 1.497(b)(2) requires that the declaration both "state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state" and "state the person is a legal representative and the citizenship, residence and mailing address of the legal representative." In view of the deficiencies noted above, it would not be appropriate to accept the declaration(s) under 37 CFR 1.42 at this time

By way of guidance, any renewed submission should be accompanied by a declaration which clearly identifies the entire correct inventive (Peter Aust and Michael Aust), provides the required information for the deceased inventor, identifies Peter Aust's legal representative, is signed by said legal representative of his behalf, and provides the required data for the legal representative.

CONCLUSION

The submission under 37 CFR 1.42 is **REFUSED**.

Since the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2), the Notification of Acceptance of Application mailed 08 October 2008 is hereby **VACATED**.

Applicants have **TWO (2) MONTHS** from the mailing date of this Decision to submit a proper response under 37 CFR 1.42. Failure to provide a proper and timely response will result in abandonment. A proper response must include an acceptable declaration executed by either the legal representative (executor) of the deceased inventor or, if no legal representative has been appointed, all of the deceased inventor's heirs. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Alexandria, VA 22313-1450
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13 AUG 2008

The Scripps Research Institute
Office of Patent Counsel, TPC-8
10550 North Torrey Pines Road
La Jolla, CA 92037

In re Application of	:	
KELLY et al.	:	
Application No.: 11/596,832	:	DECISION ON REQUEST
PCT No.: PCT/US05/17929	:	
Int. Filing Date: 20 May 2005	:	
Priority Date: 20 May 2004	:	
Attorney Docket No.: TSRI 1063.1 US	:	
For: TRANSTHYRETIN STABILIZATION		

This decision is in response to applicant's "Response to Notification of Missing Requirement under 35 U.S.C. 371 in the United States Designated/Elected Office" filed 02 May 2008 which is being treated as a petition under 37 CFR 1.181. Applicant is notifying the United States Patent and Trademark Office that the name of the second inventor is H. Michael Petrassi as indicated on the declaration rather than Michael H. Petrassi as indicated on the published international application.

Applicant states in the present petition that "Dr. Petrassi's (second inventor) legal name is H. Michael Petrassi as stated on the declaration. . .Applicant has also enclosed a copy of the PCT Request (Form PCT/RO/101) submitted in international application no. PCT/US05/17929 to which the present application is based on." A review of application file and other USPTO records reveals that the name of the second inventor is H. Michael Petrassi. Hence, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 03 April 2008 is vacated and applicant's petition under 37 CFR 1.181 is appropriately **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 02 May 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

1 2 MAY 2008

UNITED STATES PATENT and TRADEMARK OFFICE

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Douglas P. Mueller
Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402

In re Application of	:	DECISION ON
ARAKI et al	:	
Application No.: 11/596,841	:	
PCT No.: PCT/JP2005/007151	:	
Int. Filing Date: 13 April 2005	:	PETITION UNDER
Priority Date: 20 May 2004	:	
Attorney Docket No.: 10921.0441USWO	:	
For: CHIP TYPE VARIABLE ELECTRONIC	:	
PART... VARIABLE RESISTOR	:	37 CFR 1.182

This decision is in response to petitioner's "Submission of Affidavit regarding Name Change," filed on 19 December 2007, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been charged to Deposit Account No. 50-3478.

BACKGROUND

On 17 November 2006, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants provided an executed declaration as required under 35 U.S.C. 371(c)(4) but the name Akiko ARAKI appears; this name did not appeared in the international application which is Akiko IURA. In addition, the declaration has been signed by "Akiko ARAKI."

On 19 December 2007, petitioner filed the instant petition, which included an affidavit in support of the name change of the inventor from Akiko IURA to Akiko ARAKI.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), an affidavit has been provided signed under Akiko ARAKI. It sets forth the procedure whereby the change of name was effected from Akiko IURA to Akiko ARAKI (married name). Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**. This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 17 November 2006.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

2 2 NOV 2007

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of NIMURA et al	:	
U.S. Application No.: 11/596,878	:	
PCT Application No.: PCT/JP2005/009500	:	DECISION
Int. Filing Date: 18 May 2005	:	
Priority Date Claimed: 18 May 2004	:	
Attorney Docket No.: 1019519-000576	:	
For: OPTICAL FILM . . .	:	

This is in response to the correspondence filed 22 March 2007, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 18 May 2005, applicant filed international application PCT/JP2005/009500, which claimed priority of an earlier Japan application filed 18 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 November 2006.

On 22 March 2007, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative

of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 22 March 2007 fails to state one of the citizenship of the deceased inventor as required by 1.497(a)(3) and the citizenship of the legal representative as required by 37 CFR 1.497(b)(2). Applicant is advised that the singular indication of the citizenship in the signature block of the declaration cannot be used for both purposes.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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12 JUN 2008

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of NIMURA et al	:	
U.S. Application No.: 11/596,878	:	
PCT Application No.: PCT/JP2005/009500	:	DECISION
Int. Filing Date: 18 May 2005	:	
Priority Date Claimed: 18 May 2004	:	
Attorney Docket No.: 1019519-000576	:	
For: OPTICAL FILM . . .	:	

This is in response to the correspondence filed 23 January 2008, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 18 May 2005, applicant filed international application PCT/JP2005/009500, which claimed priority of an earlier Japan application filed 18 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 November 2006.

On 22 March 2007, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 22 November 2007, this Office mailed a decision dismissing the 22 March 2007 request for status.

On 23 January 2008, applicant filed the present renewed request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 23 January 2008 is in compliance with 37 CFR 1.497 and 37 CFR 1.42.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 May 2005, and a date under 35 U.S.C. 371(c) of 23 January 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/596,898	11/17/2006	Tetsuo Ikeda	YYC-140-A	4966

21828 7590 03/19/2008
CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
03/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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FROM DIRECTORS OFFICE

MAR 18 2008

TECHNOLOGY CENTER 3600

Carrier, Blackman and Associates
24101 Novi Road
Suite 100
Novi, MI 48375

In re application of Tetsuo Ikeda et al Application No. 11/596,898 Filed: November 17, 2006 For: TRAFFIC LANE MARKING LINE RECOGNITION SYSTEM FOR A VEHICLE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed January 2, 2008 with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 3/17/08

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI MI 48375

In re Application of	:	
IKEDA, TETSUO, et al.	:	DECISION ON REQUEST TO
Application No. 11/596,899	:	PARTICIPATE IN PATENT
Filed: November 17, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. YYC-139-A	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 26, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI MI 48375

MAIL

JAN 30 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of IKEDA, TETSUO, et al. Application No. 11/596,900 Filed: November 17, 2006 Attorney Docket No. YYC-137-A	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 26, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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24101 NOVI ROAD
SUITE 100
NOVI MI 48375

MAIL

JAN 30 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
IKEDA, TETSUO, et al.	:	DECISION ON REQUEST TO
Application No. 11/596,901	:	PARTICIPATE IN PATENT
Filed: November 17, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. YYC-138-A	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 26, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Keisuke Ookubo	: DECISION ON REQUEST FOR
Patent Number	: 7578891	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/596,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Patent No. 7,679,416	:	
Issue Date: March 16, 2010	:	
Application No. 11/596,968	:	NOTICE
Filed: March 6, 2007	:	
Patentee(s): Chung-Kuan Cheng, et. al.	:	

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on January 27, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee paid must be submitted at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Roberto Angelo Motterlini	:	
Application No. 11/596,977	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. 620-462	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by B. J. Sadoff on behalf of all attorneys/agents associated with customer number 23117. All attorneys/agents associated with customer number 23117 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence has been changed to the address of the inventor. The new address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Roberto Angelo Motterlini
Department of Surgical Research
Northwick Park Institute for Medical Research
Watford Road, Harrow
Middlesex, United Kingdom HA1 3UJ

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/596,977	12/14/2006	Roberto Angelo Motterlini	620-462

CONFIRMATION NO. 5412

POWER OF ATTORNEY NOTICE

23117
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

OC000000034103000

Date Mailed: 01/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/02/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

1 5 DEC 2008

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REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK NY 10022-7650

In re Application of SUZUKI Serial No.: 11/596,993 PCT App. No.: PCT/JP05/09193 Int'l Filing Date: 19 May 2005 Priority Date: 19 May 2004 Attorney Docket No.: 502740.20009 For: DEVELOPING DEVICE AND PROCESS CARTRIDGE AND IMAGE FORMING DEVICE PROVIDED WITH THEM	DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision on applicant's Petition Under 37 CFR 1.181(a) to Withdraw the Holding of Abandonment", filed in the US Patent and Trademark Office on 02 October 2008. No petition fee is required.

BACKGROUND

On 17 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 17 July 2006, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration, in compliance with 37 CFR 497(a) and (b) and executed by the inventor, was required . The notification set a TWO (2) MONTH period for response.

On 04 August 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 17 July 2007.

On 02 October 2008, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely replied to the Notification of Missing Requirements with the accompanying cover letter and declaration.

DISCUSSION

The 17 July 2007 Notification of Missing Requirements set a two month time period within which to respond or by 17 September 2007. It also indicated that extensions of time were available under 37 CFR 1.136(a) for up to five months or by 17 February 2008. The Notification of Abandonment erroneously indicated that applicant had failed to respond to the 905 within the

time period set forth therein. A review of the application file reveals that applicant did file a response to the 905 including an executed declaration. For this reason, the 04 August 2008 Notification of Abandonment is hereby VACATED.

The $130 surcharge filing the oath or declaration after the thirty month period was paid on 17 September 2007.

A review of the application file reveals that the declaration was filed on 17 September 2007. The declaration identifies the inventors, and states the citizenship and mailing address of the inventors. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b) are met.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The declaration submitted on 17 September 2007 is acceptable and meets the requirements of 37 CFR 1.497(a) & (b).

The 04 August 2008 Notification of Abandonment (Form PCT/DO/EO/909) is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) & (c)(4) date is **17 September 2007.**

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

0 3 JUL 2008

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON, MA 02111-2950

In re Application of	:	
BROWNING	:	
U.S. Application No.: 11/597,018	:	DECISION ON PETITION
PCT Application No.: PCT/GB2005/002026	:	UNDER 37 CFR 1.55
International Filing Date: May 23, 2005	:	
Attorney Docket No.: MPA-006	:	

This is a decision on the petition under 37 CFR 1.55(c), filed April 23, 2008, for acceptance of an unintentionally delayed claim for foreign priority to United Kingdom patent application number 0411360.1, filed May 21, 2004.

Foreign priority in U.S. national stage applications is governed by the provisions of 35 U.S.C. 365(b) and 37 CFR 1.55(a)(1)(ii). The petition procedure under 37 CFR 1.55(c) is not available in U.S. national stage applications. See first sentence of 37 CFR 1.55(c). Accordingly, the petition is **DISMISSED AS MOOT**.

In any event, the present nonprovisional application included a claim to the United Kingdom application in the international application within the time limit set forth in the Patent Cooperation Treaty (PCT) and the Regulations under the PCT. Therefore, the claim for priority was submitted during the period specified in 37 CFR 1.55(a)(1)(ii) and has been recognized by the Office as shown on the Filing Receipt mailed May 14, 2008.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3772 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. 365(b).

Bryan Lin
Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Boris Milef
Boris Milef
Legal Examiner
Office of PCT Legal Administration

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0 4 JAN 2008

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

In re Application of :
ARAKI et al. :
Application No.: 11/597,022 : DECISION ON PETITION
PCT No.: PCT/JP05/07152 : UNDER 37 CFR 1.182
Int. Filing Date: 13 April 2005 :
Priority Date: 20 May 2004 :
Attorney Docket No.:10921.0440USWO :
For: CHIP TYPE VARIABLE ELECTRONIC PART AND CHIP TYPE VARIABLE RESISTOR

This decision is issued in response to applicants' "Communication re: Inventor Change of Name and Address" dated 17 November 2006 and applicants' "Submission of Affidavit Regarding Name Change" dated 19 December 2007 which are being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the first inventor from Akiko IURA to Akiko ARAKI. The $400 petition fee will be charged to counsel's Deposit Account No. 50-3478.

BACKGROUND

On 17 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; a preliminary amendment; and an executed declaration of the inventor. The submission included "Communication re: Inventor Change of Name and Address."

On 19 December 2007, applicants filed "Submission of Affidavit Regarding Name Change."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants request to change the name of the first inventor from Akiko IURA to Akiko ARAKI. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 50-3478 for required fees. Based on this authorization, Deposit Account No. 50-3478 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted an affidavit regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Akiko ARAKI as a result of marriage.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Akiko IURA to Akiko ARAKI is **GRANTED**.

Based on the above, the declaration filed 17 November 2006 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Hsin Fa Shen	:	
Application Number: 11/597023	:	DECISION ON PETITION
Filing Date: 03/07/2008	:	
Attorney Docket Number: VMP-40006	:	

This is a decision on the petition filed on March 17, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 20, 2010, for failure to timely submit a proper reply to the final Office action mailed on August 19, 2009, which set a three (3)-month shortened statutory period for reply. On December 31, 2009, an amendment after final rejection and a two (2)-month extension of time under 37 CFR 1.136(a) were obtained. On February 19, 2010, an Advisory Action Before the Filing of an Appeal Brief was mailed, stating that the reply filed on December 31, 2009 failed to place the

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

application in condition for allowance. The filing of the present petition precedes the mailing of Notice of Abandonment.

Receipt of the request for continued examination (RCE) and amendment (submission under 37 CFR 1.114) filed on March 17, 2010, are acknowledged.

This application is being referred to Technology Center Art Unit 3774 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2008

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52835
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

In re Application of
ARAKI *et al*
U.S. Application No.: 11/597,025
PCT No.: PCT/JP2005/007153
Int. Filing Date: 13 April 2005
Priority Date: 20 May 2004
Attorney Docket No.: 10921.0439USWO
For: CHIP TYPE VARIABLE ELECTRONIC PART AND CHIP TYPE VARIABLE RESISTOR

DECISION

This decision is in response to the papers filed 19 December 2007 which are treated under 37 CFR 1.182.

BACKGROUND

On 17 November 2006, applicant filed papers to enter the national stage of PCT/JP2005/007153 which was accompanied by, *inter alia*, a declaration executed by the sole inventor. The inventor's name was recorded on the declaration as Akiko ARAKI.

On 04 December 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. The Form PCT/DO/EO/905 noted that the inventor's name was different on the declaration than on the international application.

On 19 December 2007, applicants filed the subject petition along with an affidavit by the inventor and authorization to charge the $400.00 petition fee and $130.00 surcharge fee to Deposit Account No. 50-3478.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure

whereby the change of name was effected, or a copy of the court order.

Petitioner states that the sole inventor has changed her last name from IURA to ARAKI. Petitioner included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage. This explanation is sufficient pursuant to § 605.04(c) MPEP.

Petitioners authorized that any fee be charged to Deposit Account No. 50-3478. The $400.00 petition fee has been charged as authorized.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted with the initial filing on 17 November 2006 is in compliance with 37 CFR 1.497(a) and (b). The surcharge fee was paid.

Applicant has completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 13 April 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 17 November 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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30 JAN 2009

Merchant & Gould, PC
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of LAUTT, Wilfred Wayne Application No.: 11/597,032 PCT No.: PCT/CA05/00775 Int. Filing Date: 20 May 2005 Priority Date: 20 May 2004 Attorney Docket No.: 14430.0011USWO For: USE OF DRUG COMBINATIONS FOR TREATING INSULIN RESISTANCE	DECISION ON REQUEST

This decision is issued in response to applicants' "Communication Regarding Inventor's Name" filed 07 May 2008. Applicant's request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Petitioner asserts that the name of the sole inventor is Wilfred Wayne LAUTT. The communication explains the discrepancy in the inventor's name as follows: (1) the inventor's full name was omitted when the international application was prepared; and (2) Wilfred Wayne LAUTT (the name listed on the declaration and application data sheet) is the full name of the inventor identified as W. Wayne LAUTT on the international application. Accordingly, petitioner's explanation of the difference in the spelling of the inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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WOLF GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

MAILED

FEB 23 2010

OFFICE OF PETITIONS

In re Application of	:	
David Jean-Marie Nocca	:	
Application No. 11/597,033	:	DECISION ON PETITION
Filed: April 6, 2007	:	TO WITHDRAW
Attorney Docket No. D0188.70199US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neil P. Ferraro on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Neil P. Ferraro at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David Jean-Marie Nocca**
70 avenue Assas
Montpellier, F-34000
France

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/597,033	04/06/2007	David Jean-Marie Nocca	D0188.70199US00

CONFIRMATION NO. 4888

POWER OF ATTORNEY NOTICE

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000040222723

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FEB 23 2010

OFFICE OF PETITIONS

In re Application of	:	
David Jean-Marie Nocca	:	
Application No. 11/597,033	:	DECISION ON PETITION
Filed: April 6, 2007	:	TO WITHDRAW
Attorney Docket No. D0188.70199US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neil P. Ferraro on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David Jean-Marie Nocca at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David Jean-Marie Nocca**
70 avenue Assas
Montpellier, F-34000
France

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3 1 OCT 2007

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

In re Application of ARAKI, Akiko
Application No.: 11/597,042
PCT No.: PCT/JP05/07154
Int. Filing Date: 13 April 2005
Priority Date: 20 May 2004
Attorney Docket No.:10921.0438USWO
For: CHIP TYPE VARIABLE ELECTRONIC PART AND CHIP TYPE VARIABLE RESISTOR

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Communication re: Inventor Change of Name and Address" dated 17 November 2006 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the sole inventor from Akiko IURA to Akiko ARAKI. The $400 petition fee will be charged to counsel's Deposit Account No. 50-3478.

BACKGROUND

On 17 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; a preliminary amendment; and an executed declaration of the inventor. The submission included "Communication re: Inventor Change of Name and Address."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant requests to change the name of the sole inventor from Akiko IURA to Akiko ARAKI. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an

affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 50-3478 for required fees. Based on this authorization, Deposit Account No.50-3478 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. However, applicant has not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Because applicant has failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 17 November 2006, which identifies the sole inventor as Akiko ARAKI, is defective for failure to properly identify the inventors of record herein.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The declaration submitted by applicants on 17 November 2006 is defective for failure to properly identify the inventor of record.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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0 3 JAN 2008

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

In re Application of
ARAKI, Akiko
Application No.: 11/597,042
PCT No.: PCT/JP05/07154
Int. Filing Date: 13 April 2005
Priority Date: 20 May 2004
Attorney Docket No.:10921.0438USWO
For: CHIP TYPE VARIABLE ELECTRONIC PART AND CHIP TYPE VARIABLE RESISTOR

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.182" filed 19 December 2007. Applicant requests to change the name of the sole inventor from Akiko IURA to Akiko ARAKI. The $400 petition fee has been submitted.

BACKGROUND

On 17 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; a preliminary amendment; and an executed declaration of the inventor. The submission included "Communication re: Inventor Change of Name and Address." In a decision dated 31 October 2007, applicant's petition under 37 CFR 1.182 was dismissed without prejudice.

On 19 December 2007, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant requests to change the name of the sole inventor from Akiko IURA to Akiko ARAKI. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's previous submission included the authorization to charge counsel's Deposit Account the required fees, satisfying the petition fee requirement. As for the affidavit requirement, applicant has submitted an "Affidavit by Inventor Regarding Request for Name Change" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Akiko ARAKI as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Akiko IURA to Akiko ARAKI is **GRANTED**.

Based on the above, the declaration filed 17 November 2006 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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DICKINSON WRIGHT PLLC
1901 L STREET NW
SUITE 800
WASHINGTON DC 20036

7/25/08

In re Application of Shioi et al. Application No. 11/597,047 Filed: Nov. 20, 2006 Attorney Docket No. L7990.06104 For: OPTICAL ELEMENT FOR MEASURING BIOINFORMATION AND BIOINFORMATION MEASURING DEVICE USING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Jul. 22, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 05/03/2010

Applicant	: Masayuki Satake	: DECISION ON REQUEST FOR
Patent Number	: 7658992	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/597,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **184** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Joseph H. Bunton	: DECISION ON REQUEST FOR
Patent Number	: 7652269	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/597,080	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **642** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN DIEGO, CA 92130-2040

In re Application of	:	
Andrew G. Williams et al.	:	
Application No. 11/597,086	:	DECISION ON PETITION
Filed: September 04, 2007	:	TO WITHDRAW
Attorney Docket No. **562492008100**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 10, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor. The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 DEC 2008

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of	:	
REED et al.	:	
Application No.: 11/597,092	:	DECISION ON PETITION
PCT No.: PCT/GB04/02206	:	UNDER 37 CFR 1.47(a)
Int. Filing: 21 May 2004	:	
Priority Date: None	:	
Attorney Docket No.: 1365.119US1	:	
For: MOBILE DEVICE LOCATION SYSTEMS AND METHOD	:	

This decision is in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 17 November 2008 accept the application without the signature of joint inventor, Thai-Binh Phan. The $200 petition fee has been charged to Deposit Account no. 19-0743.

BACKGROUND

On 21 May 2004, applicants filed international application PCT/GB04/02206. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 December 2005. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the international filing date, 21 November 2006.

On 21 November 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 16 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 17 November 2008, applicants filed the present petition under 37 CFR 1.47(a) and a five-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR

1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Thai-Binh Phan cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present petition, applicants have not provided the required showing that the nonsigning inventor cannot be located after diligent effort. Specifically, it is not clear that the person providing the "Declaration In Support Of Petition Under 37 CFR 1.47(a)" (Timothy Clise) is the person who took the actions referred to therein; it is therefore unclear whether Timothy Clise has first hand knowledge of these actions, as required by the MPEP. Additionally, the multiple mailings of the papers to the nonsigning inventor's email address does not constitute a "diligent" effort to locate the inventor. Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate Thai-Binh Phan. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

For the above reasons, it would not be appropriate to accept this application without the signature of Thai-Binh Phan at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration

request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

10 FEB 2009

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of	:	
REED et al.	:	
Application No.: 11/597,092	:	DECISION ON PETITION
PCT No.: PCT/GB04/02206	:	UNDER 37 CFR 1.47(a)
Int. Filing: 21 May 2004	:	
Priority Date: None	:	
Attorney Docket No.: 1365.119US1	:	
For: MOBILE DEVICE LOCATION SYSTEMS AND METHOD	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 03 February 2009. In a decision dated 05 December 2008, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Thai-Binh Phan, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 03 February 2009 with the present petition was executed by the named inventor, the previous non-signing inventor, Thai-Binh Phan. The declaration filed 03 February 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 21 May 2004 under 35 U.S.C. 363 and a date of 03 February 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

0 9 SEP 2008

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Mr. Joseph J. Laks
THOMSON LICENSING INC.
Patent Operations
P.O. Box 5312
Princeton, NJ 08543-5312

In re Application of
FITZPATRICK *et al*
U.S. Application No.: 11/597,095
PCT No.: PCT/US2004/016864
Int. Filing Date: 27 May 2004
Priority Date: None
Attorney Docket No.: PU030151
For: APPARATUS FOR VERIFYING A LOW NOISE BLOCK OUTPUT VOLTAGE

DECISION

This decision is in response to the petition filed 21 March 2008.

BACKGROUND

On 21 November 2006, applicants filed a national stage application listing the international application number on the transmittal letter (Form PTO-1390) as PCT/US2005/016864.

On 03 March 2008, a communication was mailed informing applicants that the PCT number corresponding to the title and applicants is PCT/US2004/016864, not PCT/US2005/016864.

On 21 March 2008, applicants filed the subject petition.

DISCUSSION

Applicants petition to correct the PCT number listed on the transmittal letter. Applicants state that the "PCT number was inadvertently typed on the transmittal form." Applicants included a copy of the declaration submitted with the original filing and a copy of the date-stamped postcard receipt for the initial filing.

This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been charged to Deposit Account No. 07-0832 as authorized.

As previously discussed, the title and name of applicants correspond to PCT/US2004/016864, not PCT/US2005/016864. Applicants included a copy of the

signed the declaration filed with the original paper[1] which lists the PCT number as PCT/US2004/016864.

As such, it is clear that applicants intended to file the subject application as the national stage application of PCT/US2004/016864. This is sufficient for a grantable petition under 37 CFR 1.182.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 to correct the PCT application number listed on the transmittal letter is **GRANTED**.

The above-captioned application is the national stage of **PCT/US2004/016864**. Office records will be updated to reflect this.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The postcard receipt is not considered part of the application.

0 8 JAN 2009

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of	:	
RIBEIRO DE ALMEIDA CARNEIRO PACHECO, et al.	:	
Application No.: 11/597,102	:	
PCT No.: PCT/PT04/00008	:	DECISION ON REQUEST
Int. Filing Date: 20 May 2004	:	
Priority Date: None	:	
Attorney Docket No.: P-9320-US	:	
For: CONTINUOUS AND SEMI-CONTINUOUS	:	
TREATMENT OF TEXTILE MATERIALS	:	
INTEGRATING CORONA DISCHARGE	:	

This decision is issued in response to the "Response to Notification of Defective Response" filed 02 September 2008. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 02 September 2008 submission states that the names of two of the inventors were listed incorrectly on the international application and declaration/power of attorney, due to typographical errors. Specifically, the inventor identified on the declaration/power of attorney as Eckhard Prinz states that his correct name is Ekhard Prinz (as set forth on the international application), and the inventor identified in the international application as Franck Forster states that his correct name is Frank Forster (as set forth on the filed declaration). Based on these statements, the correct names of these inventors are accepted as Ekhard Prinz and Frank Forster.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to United States Designated/Elected Office for further processing and for review of the national stage papers submitted 22 April 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of :
Andrew Thompson :
Application No. 11/597,109 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. 23377-3001/US/2

This is a decision on the petition, filed August 14, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 7, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1634 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

2 8 MAR 2008

United States Patent and Trademark Office

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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of Franklin et al. Application No. 11/597,116 PCT No.: PCT/GB05/02011 Int. Filing Date: 20 May 2005 Priority Date: 20 May 2004 Atty. Docket No.: 24002.0014U2 For: Compositions Containing A Hollow Glucan Particle Or A Cell Wall Particle Encapsulating A Terpene Component, Methods Of...	DECISION

This is in response to the declaration of the inventors filed on 03 December 2007, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 20 May 2005, claimed an earliest priority date of 20 May 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 December2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 20 November 2006. Applicants filed, *inter alia*, the basic national fee on 20 November 2006.

On 03 October 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Review of the declaration of the inventors filed on 03 December 2007 reveals that it indicates joint inventor Lanny Franklin to be "deceased." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state

that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration nominates Lanny Franklin and Gary Ostroff, the same inventive entity as shown in the published international application, but it does not provide citizenship (or residential or postal address) information for Mr. Franklin. The declaration is signed on his behalf by Elizabeth Cloud and Lanna Knapp, and provides their citizenship, residential and postal address information. Lanna Knapp and Elizabeth Cloud have signed in the capacity of "Successor in Title." The capacity of "Successor in Title" is not immediately clear to be equivalent to that of "Legal Representative;" rather, it appears to denote a status similar to that of an heir. Applicants are required to clarify whether Ms. Cloud and Ms. Knapp are in fact signing as legal representatives and, if not, whether they are all of the heirs, and whether or not a legal representative has been appointed or is required to be appointed by the applicable law.

CONCLUSION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 6 JAN 2009

United States Patent and Trademark Office

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Ballard Spahr Andrews & Ingersoll, LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of	:	
Franklin et al.	:	
Application No. 11/597,116	:	
PCT No.: PCT/GB05/02011	:	
Int. Filing Date: 20 May 2005	:	DECISION
Priority Date: 20 May 2004	:	
Atty. Docket No.: 24002.0014U2	:	
For: Compositions Containing A Hollow Glucan Particle Or A Cell Wall Particle Encapsulating A Terpene Component, Methods Of...	:	

This is in response to the renewed submission under 37 CFR 1.42 filed on 27 October 2008, which also includes a petition for withdrawal of the holding of abandonment.

DISCUSSION

Withdrawal Of Holding Of Abandonment

On 16 September 2008, a Notice of Abandonment was mailed to applicants, indicating that this application had become abandoned for failure to timely reply to the Decision mailed on 28 March 2008. Petitioner urges that this Notice of Abandonment was issued in error. Review of the record reveals that the decision mailed on 28 March 2008 set an extendable 2-month period for response; accordingly, with an appropriate extension under 37 CFR 1.136(a), the period for response did not expire until 28 October 2008. As such, the Notice of Abandonment mailed on 16 September 2008 was premature, and it is hereby **VACATED**. The holding of abandonment is hereby **WITHDRAWN**.

Treatment Under 37 CFR 1.42

The Decision mailed on 28 March 2008 indicated that

> The declaration nominates Lanny Franklin and Gary Ostroff, the same inventive entity as shown in the published international application, but it does not provide citizenship (or residential or postal address) information for Mr. Franklin. The declaration is signed on his behalf by Elizabeth Cloud and Lanna Knapp, and provides their citizenship, residential and postal address information. Lanna Knapp and Elizabeth Cloud have signed in the capacity of "Successor in Title." The capacity of "Successor in Title" is not immediately clear to be equivalent to that of "Legal Representative;" rather, it appears to denote a status similar to that of an heir. Applicants are required to clarify whether Ms. Cloud and Ms. Knapp are in fact signing as legal representatives and, if not, whether they are all of the

heirs, and whether or not a legal representative has been appointed or is required to be appointed by the applicable law.

In response, counsel has provided a new declaration which names Gary Ostroff and Lanny Franklin as inventors. The declaration has been signed by Mr. Ostroff, as well as by Elizabeth Cloud and Lanna Knapp in the capacity of "Legal Representative." The declaration provides the citizenship (and residence) of Lanny Franklin, as well as citizenship, residential and postal addresses for the legal representatives. Therefore, it would be appropriate to accept this declaration under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 27 October 2008 is **ACCEPTED** under 37 CFR 1.42.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 October 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BOULEVARD, SUITE 1400
ARLINGTON, VA 22201

MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Klaus PEKARI, et al.	:	
Application No. 11/597,142	:	DECISION GRANTING PETITION
Filed: November 20, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **VOSS-0032**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 11, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 20, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 MAY 2008

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of: MEINDS, Kornelis	:	
U.S. Application No.: 11/597,154	:	
PCT No.: PCT/IB2005/051528	:	DECISION ON PETITION
International Filing Date: 10 May 2005	:	
Priority Date: 24 May 2004	:	
Atty Docket No.: NL040548US1	:	
For: TILE BASED GRAPHICS	:	
RENDERING	:	

The petition for revival under 37 CFR 1.137(b) filed 15 April 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 26 August 2007 based on applicant's failure to file a timely response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 26 June 2007.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due day for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the present application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 April 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

0 8 APR 2008

Richard L. Byrne
The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of	:	
GILL, et al.	:	
PCT No.: PCT/US05/18705	:	DECISION ON PETITION
Application No.: 11/597,157	:	
Int. Filing Date: 26 May 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 26 May 2004	:	
Atty. Docket No.: 4486-063839	:	
For: APPARATUS AND METHOD FOR INDUCING SUSPENDED ANIMATION USING RAPID, WHOLE BODY, PROFOUND HYPOTHERMIA	:	

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 01 April 2008 in the United States Patent and Trademark Office (USPTO). As authorized, the $200.00 petition will be charged to deposit account number 23-0650.

BACKGROUND

On 26 May 2005, applicant filed international application PCT/US05/18705 which claimed priority to an earlier application filed 26 May 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2006.

On 21 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an application data sheet.

On 04 December 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 April 2008, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Vladimir Zhuze accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee.

The response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Applicant has satisfied items 1-3. Applicant has authorized the charging of the petition fee to deposit account number 23-0650, included a firsthand account of applicant's diligent effort to locate the non-signing inventor accompanied by internet search results and provided the last known address of Mr. Zhuze.

Regarding item (4), the declaration filed 01 April 2008 does not comply with 37 CFR 1.497 (a)-(b).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. **Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration**. (boldness added)

The declaration filed 01 April 2008 contains two pages listing and separately executed by inventors Gill and Novak. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is

required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 JUN 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Richard L. Byrne
The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of GILL, et al. Application No.: 11/597,157 PCT No.: PCT/US05/18705 Int. Filing Date: 26 May 2005 Priority Date: 26 May 2004 Atty Docket No.: 4486-063839 For: APPARATUS AND METHOD FOR INDUCING SUSPENDED ANIMATION USING RAPID, WHOLE BODY, PROFOUND HYPOTHERMIA	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to the "Renewed Petition Under 37 CFR 1.47(a)" filed 28 May 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 08 April 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 May 2008, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 08 April 2008, a petition under 37 CFR 1.47(a) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor and (4) an oath or declaration executed by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1)-(3).

Applicant's previously submitted declaration was rejected as it appeared to have been compiled from numerous, separately executed declarations. Applicant has responded with the filing of three, separate, complete combined declarations and powers of attorney. While applicant has presently filed separated declarations, an examination of the declarations finds that they do not comply with 37 CFR 1.497(a)(3) which requires the declaration to identify each inventor. For example the declarations executed by inventors Gill and Novak each contain a fourth page, "4 of

4" which does not identify the third and fourth inventors, while the declaration executed by Mr. Pitsakis has a blank page "3 of 4." As such the declarations cannot be accepted.

As item (4) has not been satisfied, it is not possible to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 AUG 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
GILL, et al.	:	
U.S. Application No.: 11/597,157	:	DECISION ON RENEWED
PCT No.: PCT/US05/18705	:	
Int. Filing Date: 26 May 2005	:	PETITION UNDER
Priority Date: 26 May 2004	:	
Attorney Docket No.: 4486-063839	:	37 CFR 1.47(a)
For: APPARATUS AND METHOD FOR INDUCING SUSPENDED ANIMATION USING RAPID WHOLE BODY, PROFOUND HYPOTHERMIA	:	

This decision is in response to the applicant's "Second Renewed Petition Under 37 CFR 1.47" filed 17 July 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Vladimir Zhuze.

BACKGROUND

On 05 June 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 17 July 2008, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 05 June 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1)-(3) above.

With the filing of the present renewed petition and accompanying documentation applicant has satisfied the remaining item. Specifically, applicant has provided a declaration which complies with 37 CFR .1497(a)-(b).

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 26 May 2005 under 35 U.S.C. 363, and will be given a date of **17 July 2008** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

08 AUG 2008

Mr. Vladimir A. Zhuze
234 Escuela Avenue, Apartment 96
Mountain View, CA 94040

In re Application of
GILL, et al.
U.S. Application No.: 11/597,157
PCT No.: PCT/US05/18705
Int. Filing Date: 26 May 2005
Priority Date: 26 May 2004
Attorney Docket No.: 4486-063839
For: APPARATUS AND METHOD FOR INDUCING SUSPENDED ANIMATION USING RAPID WHOLE BODY, PROFOUND HYPOTHERMIA

Dear Mr. Zhuze:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

Richard L. Byrne
The Webb Law Firm, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 2/4/10

TO SPE OF : ART UNIT 2894

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/597169 Patent No.: 7601644 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

KIMBERLY NGUYEN
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 SEP 2009

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of: GUNNING, Philip, James, et al. U.S. Application No.: 11/597,184 PCT Application No.: PCT/EP2005/001995 International Filing Date: 20 May 2005 Priority Date: 25 May 2004 Attorney's Docket No.: F7850(V) For: SELECTIVE SEPARATION OR EXTRACTION OF STEROIDAL GLYCOSIDES BY SUPERCRITICAL FLUID EXTRACTION USING CARBON DIOXIDE	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Correct Record With Regard To International Application Number" filed 05 August 2009. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 06 July 2009, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original national stage materials filed on 21 November 2006 referred to two different international applications, PCT/**EP**2005/001995 and PCT/**GB**2005/001995

On 05 August 2009, applicants filed the "Petition Under 37 CFR 1.182 To Correct Record With Regard To International Application Number" considered herein.

DISCUSSION

The present petition confirms that correct international application number for the present national stage application is PCT/**GB**2005/001995 and that the listing of international application PCT/**EP**2005/001995 on the Form PTO-1390 Transmittal Letter filed 21 November 2006 was the result of an inadvertent typographical error. Applicants note that the correct international application number was contained in the materials filed on 21 November 2007 (specifically, on the first page of the declaration). Finally, applicants' petition included payment of the $400 petition fee required with respect to a petition under 37 CFR 1.182.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number set forth on the Form PTO-1390 filed 21 November 2006. Accordingly, the materials filed herein on 21 November 2006, including the payment of the basic national fee, will be treated as having been directed to international application PCT/**GB**2005/001995.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 21 November 2006 will be treated as the U.S. national stage of PCT/**GB**2005/001995. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Alexandria, Virginia 22313-1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Bernhard Miller	: DECISION ON REQUEST FOR
Patent Number	: 7668677	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/597,257	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **94** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

31 MAR 2010

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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of	:	
MASIGNANI, Vega, et al.	:	
U.S. Application No.: 11/597,340	:	DECISION ON
PCT No.: PCT/US2005/022801	:	
Int. Filing Date: 08 June 2005	:	PETITION
Priority Date: 08 June 2004	:	
Attorney Docket No.: PP022792.0003	:	UNDER 37 CFR 1.182
For: FUSION PROTEINS COMPRISING	:	
CD4 MINIMAL MODULES AND	:	
METHODS OF USE THEREOF	:	

This is a decision on the petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on 14 July 2009.

BACKGROUND

On 03 May 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that a declaration of the inventors and a sequence listing in computer readable format (CRF), in compliance with regulations, were required.

On 03 August 2007, applicants filed a response to the Notification of Missing Requirements.

On 31 July 2008, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the CRF was defective. The Notification set a one month time limit for response.

On 13 March 2009, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 01 July 2009, applicants filed a response to the Notification of Abandonment accompanied by a copy of the 03 August 2007 response.

On 14 July 2009, applicants filed a petition under 37 CFR 1.182 to withdraw the holding of abandonment.

DISCUSSION

Applicants' petition under 37 CFR 1.181 filed 01 July 2009 is moot, as the 03 August 2007 submission was received.

Applicants claim to have submitted a timely response to the Notification of Defective Response, but indicate that they directed that response to 11/592,340, rather than 11/597,340, and ask that holding of abandonment be withdrawn. Applicants' response was located in application 11/592,340.

This request to withdraw the holding of abandonment is being treated as a petition under 37 CFR 1.182 to relocate misdirected papers. The fee for the petition has been paid. Further, the CRF has been processed and entered.

CONCLUSION

For the above reason, applicants' petition under 37 CFR 1.182 to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 March 2009 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

20 DEC 2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
MILLER et al.	:	
Application No.: 11/597,349	:	DECISION
Attorney Docket No.: 019433-001610US	:	
For: SPINAL DIAGNOSTIC METHODS	:	
AND APPARATUS	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 20 November 2006.

BACKGROUND

On 15 April 2005, applicants filed international application PCT/US2005/012981 which designated the U.S. and claimed a priority date of 16 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 03 November 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 October 2006.

On 20 November 2006, applicants filed, *inter alia*, a submission which was accompanied by, *inter alia*, a Transmittal Letter concerning a filing under 35 U.S.C. 371 (PTO Form-1390), a specification, claims, and drawings, the U.S. Basic National Fee, and an Application Data Sheet.

DISCUSSION

Conflicting Instructions

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). MPEP § 1893.03(a) states:

> . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application. Applications that have been processed under 35 U.S.C. 371 and later found

> by the examiner to contain conflicting instructions should be forwarded to the Office of PCT Legal Administration for resolution.

See also 37 CFR 1.495(g). The transmittal letter (Form PTO-1390) filed on 20 November 2006 identified the application as "a filing under 35 U.S.C. 371." However, the Application Data Sheet filed 20 November 2006 states that "This Application Continuation of PCT/US05/012981 April 15, 2005". Applicant's reference in the Application Data Sheet as claiming priority to the international application under 35 U.S.C. 120 is inconsistent with the transmittal letter filed 20 November 2006 and contradicts the request in the transmittal letter to file under 35 U.S.C. 371. See, e.g., 35 U.S.C. 365. The transmittal letter (Form-1390) used by applicant is to be used only with submissions under 35 U.S.C. 371. Since applicant gave conflicting instructions, the papers should have been considered as having been filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 20 November 2006 were improperly accepted as a submission under 35 U.S.C. 371.

Petition to Revive

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the filing of the present application under 35 U.S.C. 111(a) on 20 November 2006 is accepted as an appropriate response under 37 CFR 1.137(b).

As to item (2), the petition fee was paid on 20 November 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Continuation Application

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 11/597,349) and the international application (PCT/US2005/012981) designating the United States were copending on 20 November 2006. However, this reference must be submitted within the later of four months from the actual filing date of this application or sixteen months from the filing date of the international application. 37 CFR 1.78(a)(2)(ii). Applicant may file a petition to accept an unintentionally delayed claim under 37 CFR 1.78(a)(3) for the benefit of the international application.

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit certified copies of the priority documents. The certified copies of priority documents submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

CONCLUSION

The petition under 37 CFR 1.137(b) to revive international application PCT/US2005/012981 is hereby **GRANTED** as to the National stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/597,349.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

COPY MAILED

JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
David R. MILLER, et al	:	
Application No. 11/597,349	:	DECISION ON PETITION
Filed: November 20, 2006	:	TO WITHDRAW
Attorney Docket No. 31132.803	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP, has been revoked by the assignee of the patent application on January 4, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: J. ANDREW LOWES
HAYNES AND BOONE, LLP
2505 N. PLANO ROAD
SUITE 4000
RICHARDSON, TX 75082

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Commissioner for Patents
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0 1 MAY 2009

Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

In re Application of CHOI et al. Serial No.: 11/597,362 PCT No.: PCT/JP05/09609 Int. Filing Date: 26 May 2005 Priority Date: 04 June 2004 Atty. Docket No.: 3749-0116PUS1 For: METHOD OF PRODUCING ASTAXANTHIN OR METABOLIC PRODUCT THEREOF BY USING CAROTENOID KETOLASE AND CAROTENOID HYDROXYLASE GENES	:	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to applicants' "Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed 01 October 2008.

BACKGROUND

On 26 May 2005, applicants filed international application no. PCT/JP05/09609 which claimed a priority date of 04 June 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 December 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 04 December 2006.

On 21 November 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a copy of the international application.

As of 20 December 2006, applicants' representative has been a participant in the USPTO's electronic notification of outgoing correspondence ("e-office action") program. Pursuant to the e-office action program, applicants' representatives do not receive paper mailings of certain notifications issued by the United States Designated/Elected Office (DO/EO/US). Rather, applicants' representatives receive e-mail correspondence advising them if new outgoing correspondence has been generated in one of their cases.

On 18 October 2007, the United States Designated/Elected Office (DO/EO/US) prepared a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that a sequence listing in compliance with 37 CFR 1.821-1.825 had not been filed. The notification set a two-month time limit in which to respond.

On 01 August 2008, the United States Designated/Elected Office (DO/EO/US) prepared a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) mailed 18 October 2007 within the time period set therein.

On 01 October 2008, applicants filed the present petition to withdraw holding of abandonment.

DISCUSSION

Applicants argue that the holding of abandonment is improper because applicants never received e-mail notification with respect to the 18 October 2007 Notification To Comply, as required under the e-office action program. To support this assertion, applicants have provided a copy of the email notification received by applicants' representative with respect to new outgoing correspondence in their applications for 18 October 2007. Such notification does not indicate that any new outgoing correspondence was generated in the present application on 18 October 2007. A review of USPTO records confirms that the appropriate e-mail notification was not communicated to applicants' with respect to the Notification To Comply generated on 18 October 2007.

Based on the above, the Notification To Comply dated 18 October 2007 is considered not to have been properly issued. The holding of abandonment, based as it was on applicants' failure to file a timely response to the improperly issued Notification To Comply, is therefore appropriately withdrawn.

CONCLUSION

Applicants' petition for withdrawal of the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The Notification To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures" (Form PCT/DO/EO/922) dated 18 October 2007 is considered not to have been properly issued.

The Notification Of Abandonment (Form PCT/DO/EO/909) dated 01 August 2008, based as it was on applicants' failure to timely respond to the Notification To Comply, is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922).

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
CHRISTOPHER JAMES COWDERY
Application No. 11/597,367
Filed: May 21, 2007
Attorney Docket No. 085874-0470

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 23, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22428 has been revoked by the Assignee of the patent application on March 04, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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0 9 OCT 2009

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of	:	
KRIETSCH, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/597,377	:	
PCT No.: PCT/EP2005/004603	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 29 April 2005	:	
Priority Date: 24 May 2004	:	
Atty Docket No.: MERCK-3266	:	
For: MACHINE-READABLE SECURITY ELEMENT	:	
FOR SECURITY PRODUCTS	:	

This decision is in response to applicant's "AMENDMENT TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(A) filed 12 August 2009 in the United States Patent and Trademark Office (USPTO) and supplemented on 15 September 2009. The filing is being treated as a petition under 37 C.F.R. § 1.497(d).

BACKGROUND

On 29 April 2005, applicant filed international application PCT/EP2005/004603, which claimed priority of an earlier application filed 24 May 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 December 2005. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 November 2006.

On 22 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed, an Information Disclosure Statement and a preliminary amendment.

On 30 September 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 09 October 2008, applicant responded with an executed declaration.

On 16 July 2009, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) informing applicant that the declaration was defective as it identified an inventor, Jakob Kuen, who was not listed on the published international application. Applicant was afforded one month or the extendable time remaining from the mail date of the Form PCT/DO/EO/905 to file a proper response.

On 12 August 2009, applicant filed the present petition which was supplemented by application with a filing on 15 September 2009.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Jakob Kuen declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), on 09 October 2008 applicant provided a combined declaration and power of attorney executed by the inventors listed on the published international application as well as Jakob Kuen.

As Item (3), applicant has provided payment of $130.00 petition fee.

Regarding Item (4), applicant has provided a statement from the each of the co-assignees consenting to the addition of Jakob Kuen as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

The application has an international filing date of 29 April 2005 under 35 U.S.C. 363 and will be given a date of **09 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

2 8 SEP 2009

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
IOHARA	:	DECISION ON PETITION
Application No.: 11/597,393	:	
PCT No.: PCT/JP05/010094	:	UNDER
Deposit date: 22 November 2006	:	
Attorney Docket No.: 712-053	:	37 CFR 1.182
For: KEY UNIT WITH CASING	:	

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 03 August 2009.

On 22 November 2006, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 11/597,393. However, the international application number PCT/JP**04**/010094 on the transmittal letter submitted was incorrect and does not match the other identifying information provided.

On 08 July 2009, a communication was mailed to applicant to advise of this discrepancy. On 03 August 2009, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/JP**05**/010094 on the national stage papers filed on 03 August 2009 is GRANTED. The $400 petition fee will be charged to applicant's deposit account per his authorization.

The USPTO records will identify the present application 11/597,393 as the national stage of PCT/JP05/010094.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571)272-3286
Facsimile: (571)273-0459

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05 JAN 2007

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of PARK *et al* U.S. Application No.: 11/597,395 PCT No.: PCT/KR2005/001469 Int. Filing Date: 19 May 2005 Priority Date: 20 May 2004 Attorney Docket No.: DYNE4.001APC For: METHOD AND APPARATUS FOR MANUFACTURING CARBON NANO TUBE	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 22 November 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and the petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee pursuant to 37 CFR 1.492(h) are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ALSTON AND BIRD LLP
ST. JUDE CHILDREN'S RESEARCH HOSPITAL
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

NOV 09 2009

OFFICE OF PETITIONS

Applicant: Evans et al.
Appl. No.: 11/597,468
International Filing Date: May 18, 2005
Title: DIAGNOSIS AND TREATMENT OF DRUG RESISTANT LEUKEMIA
Attorney Docket No.: 044158/318597
Pub. No.: US 2009/0004173 A1
Pub. Date: January 1, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 27, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in optical character recognition in certain originally filed claims.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors due to faulty optical character recognition are, in this case, not Office error. The errors are due to the quality and size of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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2 9 AUG 2008

Thomas Langer
Cohen, Pontani, Liebrman & Pavene
551 Fifth Avenue, Suite 1210
New York NY 10176

In re Application of	:	
ROS et al.	:	
Application No.: 11/597,482	:	
PCT No.: PCT/FR2004/001280	:	
Int. Filing Date: 24 May 2004	:	DECISION ON PETITION
Priority Date: None	:	
Attorney Docket No.: 33901-230PUS	:	
For: METHODS FOR THE CHARACTERIZATION OF DIGITAL IMAGE AND THE APPLICATIONS THEREOF	:	

This decision is issued in response to applicant's "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a)" filed 22 August 2008. No petition fee is required.

The petition is accompanied by a copy of the declaration filed on 08 June 2007 in the United States Patent and Trademark Office and requests, in effect, that the copy of the declaration be accepted as a true copy of the declaration filed 08 June 2007. Additionally, applicant submitted a copy of the post card receipt submitted with respect to the declaration/power of attorney filing, and such post card receipt confirms the receipt in the USPTO on 08 June 2007.

A review of the application file reveals that a declaration/power of attorney in compliance with 37 CFR 1.497 was received in the United States Patent and Trademark Office on 08 June 2007. Accordingly, applicant's request that the copy of the declaration filed with the petition be accepted as a copy of the original declaration filed 08 June 2007 is dismissed as moot, since the original declaration has now been located and placed in the application file. Applicant's petition to withdraw the holding of abandonment is **GRANTED**.

In view of the declaration filed 08 June 2007, the Notification of Abandonment mailed 04 August 2008 is hereby **VACATED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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WOLF GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of	:	
David Jean-Marie Nocca	:	
Application No. 11/597,485	:	DECISION ON PETITION
Filed: April 9, 2007	:	TO WITHDRAW
Attorney Docket No. D0188.70200US00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neil P. Ferraro on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David Jean-Marie Nocca at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David Jean-Marie Nocca**
70 Avenue Assas
Montpellier, F-34000

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/597,485	04/09/2007	David Jean-Marie Nocca	D0188.70200US00

CONFIRMATION NO. 7645

POWER OF ATTORNEY NOTICE

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

OC000000040241828

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

MAILED

MAY 07 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Daniel Arnoux et al.
Application No. 11/597,506
Filed: September 12, 2007
Attorney Docket No.
126516.0101126516.0101

This is a decision on the petition, filed April 17, 2009, to withdraw the holding of abandonment which is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

A non-Final Office Action was mailed September 29, 2008 which set a three month period for response. No response thought to have been timely filed, this application became abandoned December 30, 2008. Accordingly, a Notice of Abandonment was mailed April 2, 2009. Petitioner argues however that a response was filed on March 30, 2009 the next business day after March 29, 2008 which was a Sunday, with a three month extension of time and provides copies of the response filed and a copy of the EFS Acknowledgment Receipt, as proof of the timely filed response.

As the statutory period ended on a non-business day (Saturday/Sunday/Federal Holiday)--the reply with an extension of time was due on the first business day thereafter.

A search of the application file and the USPTO records reveals that in fact, an amendment was filed with a three month extension of time and fee on March 30, 2009. Accordingly, the response was timely and the Notice of Abandonment mailed April 2, 2009 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2831 for treatment of the amendment filed March 30, 2009 as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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27 DEC 2006

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	
DILK, Erich et al.	:	
Application No.: 11/597,510	:	DECISION
PCT No.: PCT/EP05/50630	:	
Int. Filing Date: 14 February 2005	:	ON PETITION UNDER
Priority Date: 22 April 2004	:	
Docket No.: 52977	:	37 CFR 1.137(b)
For: USE OF ... 3-DIOXEPINE	:	

Applicants' Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 27 November 2006 is **GRANTED**.

Applicants indicate that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration and the processing fee for furnishing the translation after 30 months will be charged to deposit account no. 18-2220, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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Alexandria, VA 22313-1450
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Date Mailed: October 6, 2008

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

Applicant: Sugiyama et al.
Appl. No.: 11/597,557
Filing Date: January 2, 2008
Title: RADIOACTIVE TYROSINE DERIVATIVE, METHOD FOR PRODUCING SAME, LABELING AGENT FOR POSITRON IMAGING AND MEDICAL AGENT FOR ASSESSING GRADE OF MALIGNANCY OF TUMOR RESPECTIVELY COMPOSED OF RADIOACTIVE TYROSINE DERIVATIVE, AND METHOD FOR DETECTING TUMOR
Attorney Docket No.: 46884-5541 (234832)
Pub. No.: US 2008/0138281 A1
Pub. Date: June 12, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 1, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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26 DEC 2006

Alan J. Hoover
WOOD, PHILIPPS, KATZ, CLARK & MORTIMER
500 West Madison Street
Suite 3800
Chicago, IL 60661

In re Application of	:	
PEYTON, Anthony Joseph *et al*	:	
U.S. Application No.: 11/597,575	:	
PCT No.: PCT/GB2005/001861	:	
Int. Filing Date: 12 May 2005	:	**DECISION ON**
Priority Date: 12 May 2004	:	**PETITION FOR REVIVAL**
Attorney Docket No.: MAR10200P00050US	:	**UNDER 37 CFR 1.137(b)**
For: NON-CONTACT CABLE STATE	:	
TESTING	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 27 November 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge fee and the petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Date : 5/19/2010
Patent No. : 7,705,606 B2
Serial No. : 11/597,575
Inventor(s) : Peyton et al.
Issued : April 27, 2010
Title : **NON-CONTACT CABLE STATE TESTING**
Docket No. : **MAR10200P00050US**

Re: Request for Reconsideration

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile

number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ernest C. White, ***LIE***
For Mary F. Diggs (703) 756-1580
Decisions & Certificates
of Correction Branch
(703) **756-1590**

Allen J Hoover
Wood Philipps Katz Clark & Moritmer
500 West Madison Street
Suite 3800
Chcago IL 60661

ecw

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of	:	
Bradley et al.	:	
Application No.: 11/597,586	:	
PCT No.: PCT/GB2005/001927	:	
Int. Filing Date: 18 May 2005	:	DECISION
Priority Date: 20 May 2004	:	
Attorney Docket No.: 15271.0028USWO	:	
For: Leukocyte Adsorbing Material	:	

This is with regard to the petition under 37 CFR 1.181 and 37 CFR 1.137(b) filed on 27 March 2008.

BACKGROUND

This international application was filed on 18 May 2005, designated the United States, and claimed an earliest priority date of 20 May 2004. The International Bureau transmitted a copy of the published international application to the USPTO on 01 December 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 20 November 2006. Applicants timely filed *inter alia* the basic national fee on 20 November 2006.

On 15 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petition To Withdraw Holding Of Abandonment
(37 CFR 1.181)

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification of Missing Requirements mailed on 15 June 2007. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971),* an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner states that "The Notification of Missing Requirements was never received by the Applicant's attorney." This statement satisfies requirement (1).

Petitioner provides a "Declaration of Jodi Gandel-Klein..." which states in part that "I have reviewed the records in the firm's docket system and find no entry for the Notification of Missing Requirements for this application, nor any other evidence that would suggest that the Notification of Missing Requirements actually was received by the firm." However, petitioner

has not provided a statement that a search of the file jacket indicates that the Notification was not received. Therefore, it would not be appropriate to conclude that requirement (2) has been met.

Concerning requirement (3), petitioner provides (but does not specifically reference) copies of two sheets which appear to be print-outs from a computerized docketing system. Petitioner is advised that the required docket records are those records showing where the Notification would have been docketed for response had it been received. The appropriate records would show all applications having responses docketed as due on or around 15 August 2007, the date the response to the Notification was due. In the absence of such a record showing where the Notification would have been docketed for response on its due date, it would not be appropriate to conclude that requirement (3) has been satisfied at this time.

Petition Under 37 CFR 1.137(b)

Petitioner petitions in the alternative for relief under 37 CFR 1.137(b).

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement is not correct. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the surcharge under 37 CFR 1.492(h) and a declaration compliant with 37 CFR 1.497(a) and (b). The $1540.00 petition fee is being charged to Deposit Account no. 13-2725, as authorized in the petition. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **27 March 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

1 4 JAN 2009

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of Bradley et al. Application No.: 11/597,586 PCT No.: PCT/GB2005/001927 Int. Filing Date: 18 May 2005 Priority Date: 20 May 2004 Attorney Docket No.: 15271.0028USWO For: Leukocyte Adsorbing Material	:	DECISION

This is with regard to the "Renewed Petition To Withdraw Holding Of Abandonment (37 C.F.R. 1.181)" filed on 20 November 2008.

DISCUSSION

In a Decision mailed on 15 September 2008, the petition under 37 CFR 1.181 filed on 27 March 2008 was dismissed, without prejudice, because petitioner had not provided a statement that a search of the file jacket indicates that the Notification was not received, and had not provided appropriate docket records.

The petition filed on 27 March 2008 explicitly requested relief under 37 CFR 1.137(b) "if the Petition to Withdraw Holding of Abandonment is found insufficient." Accordingly, the petition was also treated (and granted) under 37 CFR 1.137(b).

The instant renewed petition again requests relief under 37 CFR 1.181. However, since this international application has been revived with respect to the national stage in the United States, pursuant to 37 CFR 1.137(b), the petition under 37 CFR 1.181 is MOOT.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the mailing date of this Decision, extendable under 37 CFR 1.136(a).

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) remains **27 March 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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Alexandria, VA 22313-1450
www.uspto.gov

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
RAZZELL	:	
Application No.: 11/597587	:	
PCT No.: PCT/IB05/51658	:	DECISION ON PETITION
Int. Filing Date: 20 May 2005	:	
Priority Date: 21 May 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: US040227US1	:	
For: A TRANSMITTER AND RECEIVER FOR ULTRA-WIDEBAND OFDM SIGNALS EMPLOYING A LOW-COMPLEXITY CDMA LAYER FOR BANDWIDTH EXPANSION	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 18 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided an executed declaration of the inventor. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 20 May 2005 under 35 U.S.C. 363 and will be given a date of **18 January 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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CST

February 16, 2010

In re application of	:	DECISION ON REQUEST TO
Takahiro Osada et al	:	PARTICIPATE IN PATENT
Serial No. 11/597,592	:	PROSECUTION HIGHWAY
Filed: July 17, 2007	:	PROGRAM AND
For: FUEL RESERVOIR	:	PETITION TO MAKE SPECIAL
FOR FUEL CELL	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 4, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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P.O. Box 1450
Alexandria, VA 22313-1450
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In re application of	:	DECISION ON REQUEST TO
Takahiro Osada et al	:	PARTICIPATE IN PATENT
Serial No. 11/597,593	:	PROSECUTION HIGHWAY
Filed: November 21, 2006	:	PILOT PROGRAM AND
For: FUEL RESERVOIR	:	PETITION TO MAKE SPECIAL
FOR FUEL CELL	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, together with the preliminary amendment filed August 9, 2007.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

It is noted that the JPO application with similar claims (Japanese Patent Application No. 2006-513939) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2004-158050) and that applicant has not identified the relationship between the JPO application with similar claims and the JPO priority application. However, based upon a review of Japanese Patent Application No. 2006-513939 via the Dossier Access System, it was determined that the '939 patent application is the national stage application of PCT/JP2005/009660, where priority to Japanese Patent Application No. 2004-158050 is claimed. The present application is the national stage application of the same PCT.

Accordingly, in the future, applicant is reminded to clearly explain the relationship between the application with allowed claims and the priority application if these two applications are not the same.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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14 AUG 2007

J Paul Plummer
ExxonMobil Upstream Research Company
P.O. Box 2189 (CORP-URC-SW 337)
Houston TX 77252-2189

In re Application of:	:	
HORNBOSTEL, Scott, et al.	:	DECISION ON REFUND
U.S. Application No.: 11/597,594	:	REQUEST
PCT No.: PCT/US2005/014143	:	
International Filing Date: 26 April 2005	:	
Priority Date: 01 June 2004	:	
Atty Docket No.: 2004UR022	:	
For: KALMAN FILTER APPROACH TO	:	
PROCESSING ELECTRO-	:	
MAGNETIC DATA	:	

This decision is issued in response to the "Request For Refund For International Application Entering National Stage In U.S. Designated Office (DO/US) Under 35 U.S.C. 371" filed 06 August 2007. No petition fee is required.

BACKGROUND

On 26 April 2005, applicants filed international application PCT/US2005/014143. The international application claimed a priority date of 01 June 2004, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 01 December 2006.

The United States Patent and Trademark Office (USPTO) served as the International Searching Authority (ISA) during the international phase of this application. On 10 February 2006, the ISA/US mailed an International Search Report (Form PCT/ISA/210) and a Written Opinion of the International Searching Authority (Form PCT/ISA/237). The Written Opinion indicated that Claims 1-11, as set forth in the international application, satisfied the criteria of PCT Article 33(1)-(4).

On 21 November 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States. The Transmittal Letter identified the following fees as due: $300 basic national fee, $100 search fee, but it did not authorize the USPTO to charge applicants' listed Deposit Account for such fees. However, the Preliminary Amendment that accompanied the Transmittal Letter included a general authorization to charge Deposit Account No. 05-1328 for appropriate fees. Based on this authorization, Deposit Account No. 05-1328 was charged the $300 basic national fee and $100 search fee itemized on the Transmittal Letter. It is noted that the Preliminary Amendment contained amendments to the claims (specifically, applicants amended existing Claim No. 1 and added new Claim No. 12).

Applicants' 21 November 2006 submission also included an executed declaration in compliance with 37 CFR 1.497.

On 03 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) indicating that applicants were required to submit a $200 examination fee and a $130 surcharge for filing the required examination fee later than thirty months after the priority date.

On 06 August 2007 applicants filed the refund request considered herein. The submission asserts that the $200 examination fee and $130 surcharge were submitted on 02 August 2007,[1] and it requests a refund of these fees, arguing that such fees are not properly required herein because "the PCT Written Opinion, prepared by the ISA/US indicated that all claims satisfied provisions of PCT Article 33(1)-(4)."

DISCUSSION

The materials filed by applicants on 21 November 2006 were submitted prior to the expiration of thirty months from the priority date and, as noted above, included the authorization to charge Deposit Account No. 05-1328 for all required fees. This authorization is treated as a timely payment of the required filing fees, including any appropriate examination fee.

Based on the above, the requirement that applicants pay a $130 surcharge for failure to file the required examination fee prior to the expiration of thirty months from the priority date was improper. The Notification Of Insufficient Fees mailed on 03 July 2007, which required payment of such surcharge, is therefore appropriately vacated, and the $130 surcharge payment made in response to the Notification is properly refunded to applicants.

With respect to the $200 examination fee, applicants argue that such fee is not properly required herein because the Written Opinion prepared by the ISA/US indicated that all the claims in the international application satisfied the provisions of PCT Article 33(1)-(4).

37 CFR 1.492(c)(1) (emphasis added) states that an examination fee is unnecessary:

> If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied **for all of the claims presented in the application entering the national stage.**

[1] The application file does not include any submission made by applicants on 02 August 2007. Rather, USPTO records indicate that the $200 examination fee and $130 surcharge were submitted on 06 August 2007.

Here, the Written Opinion prepared by the ISA/US indicated that all claims presented in the international application satisfied PCT Article 33(1)-(4). However, the claims reviewed by the ISA/US in the international application are not identical to the claims "presented in the application entering the national stage." Specifically, the national stage claims have been modified by the Preliminary Amendment filed by applicants with the initial national stage submission (this amendment modifies Claim No. 1 and adds a new Claim No. 12). The present national stage application therefore does not fall within the scope of 37 CFR 1.492(c)(1). See also 37 CFR 1.496(b): national stage applications in which the examination fee under 37 CFR 1.492(c)(1) has been paid may only be amended "to the extent necessary to eliminate objections as to form or to cancel rejected claims."

The appropriate examination fee herein is the $200 fee set forth in 37 CFR 1.492(c)(2) (which applies to "all situations not provided for in paragraph (c)(1)"). This is the examination fee which applicant has been charged. Accordingly, applicants' request for a refund of this fee is appropriately dismissed.

CONCLUSION

Applicants' request for a refund of the $130 surcharge fee, assessed as a result of applicants' purported failure to timely file the appropriate examination fee, is **GRANTED**. Deposit Account No. 05-1328 will be credited with a refund of this $130 surcharge payment.

The "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) mailed 03 July 2007, which required payment of the surcharge and the examination fee despite applicants' previous submission of an authorization to charge Deposit Account No. 05-1328 for all required fees, is hereby appropriately **VACATED**.

Applicants' request for a refund of the properly charged $200 examination fee is **DISMISSED** without prejudice.

If reconsideration on the merits of the dismissed portion of the refund request is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Refund Request" and must include an adequate showing that a refund of the $200 examination fee is appropriate under the applicable statutes and regulations.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 November 2006.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,597	11/14/2007	Kazuyoshi Takahashi	450100-05571	5760

7590 08/31/2009

William S. Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

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08/31/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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APR 05 2010

OFFICE OF PETITIONS

THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
Jun WANG et al.	:	
Application No. 11/597,609	:	DECISION ON PETITION
Filed: August 13, 2007	:	
Attorney Docket No. 27817U	:	

This is a decision on the petition, filed January 15, 2010 and supplemented January 19, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of July 8, 2009, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before August 8, 2009.

Petitioner states that a timely reply to the outstanding Office action was filed on Monday, August 10, 2009, which included the following papers: a transmittal letter, a response to the restriction requirement, and submission of a supplemental declaration. Petitioner includes a date stamped receipt indicating receipt of the above items on August 10, 2009. The date stamp receipt indicates that these items were filed in application serial no. 11/597,605 and not the instant application serial no. 11/597,609. However, MPEP 724.05 III states: [w]here the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition. As the Office is able to determine the correct application file that the papers were actually intended for, the holding of abandonment for failure to reply to the Office action of July 8, 2009 is hereby withdrawn.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been submitted on Monday, August 10, 2009.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to Technology Center AU 1652 for appropriate action in the normal course of business on the reply received with petition.

David A. Bucci
Petitions Examiner
Office of Petitions

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of :
Christoph, et al. :
Application No. 11/597,625 : DECISION ON PETITION
Filed: November 27, 2006 :
Attorney Docket No. 06140 :

This is a decision on the petition filed January 13, 2009 under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action mailed June 12, 2008. The Office action set a one month shortened statutory period for reply. A reply was due on or before July 12, 2008. Notice of Abandonment was mailed December 22, 2008.

Petitioners state that a reply was in fact timely filed. To support this assertion, petitioners have submitted a copy of a return postcard dated Monday, July 14, 2008 acknowledging USPO receipt of the reply to the Office action. A copy of the previously submitted reply accompanies the petition.

The reply previously filed has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on July 14, 2008.

This application is being referred to Technology Center AU 2882 for appropriate action in the normal course of business on the reply received with petition.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 06/11/2010

Applicant	: Johannes Eder	: DECISION ON REQUEST FOR
Patent Number	: 7630799	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/597,642	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **576** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Satoshi Do	: DECISION ON REQUEST FOR
Patent Number	: 7667902	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/597,644	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **52** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Nixon Peabody
401 9th Street, N.W.
Suite 900
Washington, DC 20004-2128

Mail Date: 07/01/2010

Applicant	: Koji Abe	: DECISION ON REQUEST FOR
Patent Number	: 7629085	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/597,652	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/27/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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2 9 JAN 2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of HOFRICHTER et al	:	
U.S. Application No.: 11/597,658	:	
PCT Application No.: PCT/FR2005/050368	:	DECISION
Int. Filing Date: 26 May 2005	:	
Priority Date Claimed: 26 May 2004	:	
Attorney Docket No.: 299174US0PCT	:	
For: METHOD FOR PRODUCING A HYDROPHOBIC COATING, DEVICE FOR IMPLEMENTING SAID METHOD AND SUPPORT PROVIDED WITH A HYDROPHOBIC COATING	:	

This is in response to applicant's "Response to Notice of Missing Requirements Under 35 USC §371" filed 24 September 2008, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 May 2005, applicant filed international application PCT/FR2005/050368, which claimed priority of an earlier Germany application filed 26 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 November 2006.

On 24 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 September 2008, applicant filed the present petition under 37 CFR 1.181 along with executed declarations.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present response states that the discrepancy regarding the first inventor's surname was the result of a spelling error. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that the declarations filed 24 September 2008 are not presently in compliance with 37 CFR 1.69(b), because the declarations do not use official form PTO/SB/105 and are not accompanied by a statement that the translations contained in the declarations are accurate. Applicant must submit either: (1) newly executed declarations using official form PTO/SB/105 or (2) a statement that the translations contained in the declarations filed 24 September 2008 are accurate.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 8 JUL 2009

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Pillsbury Winthrop Shaw Pittman LLP
Attention: Docketing Department
P.O. Box 10500
McLean VA 22102

In re Application of: BERTSCH, et al. U.S. Application No.: 11/597,672 PCT No.: PCT/EP2005/005614 International Filing Date: 24 May 2005 Priority Date: 24 May 2004 Attorney's Docket No.: 009848-0358812 For: SYSTEMATIC IDENTIFICATION OF NEW ANTI-PRION DRUGS BY HIGH-THROUGHPUT SCREENING BASED ON SCANNING FOR INTENSELY FLUORESCENT TARGETS (SIFT)	DECISION ON PETITION UNDER 37 CFR 1.137(b) and 37 CFR 1.182

This decision is issued in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" filed 05 June 2009.

BACKGROUND

On 24 May 2005, applicants filed international application PCT/EP2005/005614 which claimed a priority date of 24 May 2004. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 24 November 2006.

On 22 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 14 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required. Furthermore, the Notification indicated that $605 for additional claims were due.

On 10 December 2007, applicants filed a response to the Notification Of Missing Requirements. The submission included payment of the required surcharge; the additional fee for claims; and an executed declaration.

On 20 May 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that a declaration, in compliance with 37 CFR 1.497, was required within one month from the mail date of the Notification. The Notification indicated that this one month deadline was not extendable and that the failure to submit a proper response would result in abandonment of the application.

On 06 June 2008, applicants filed the "Response To Notification Of Defective Response" which included a declaration executed by: Uwe Bertsch; Armin Giese; Hans Kretzschmar; Paul Tavan; Thomas Hirschberger; Jan Bieschke; Petra Weber; Konstanze, F. Winklhofer; Jörg Tatzelt; F.Ulrich Hartl; Gerda Mitteregger-Kretzchmar; and Tobias Johannes Högen.

On 16 December 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration was defective because the eleventh inventor (Gerda Mitteregger-Kretzchmar) was not identified on the international application. The Notification indicated that this one month deadline was not extendable and that the failure to submit a proper response would result in abandonment of the application.

On 05 June 2009, applicants filed the "Petition Under 37 CFR 1.137(b) To Revive An Unintentionally Abandoned Application" considered herein.

DISCUSSION

Petition under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants have satisfied Items (2)-(4).

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.182. Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to change inventor's name (Gerda Mitteregger-Kretzchmar) under 37 CFR 1.182 must be grantable.

Petition under 37 CFR 1.182

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the

change of name was effected, or certified copy of the court order. The petition fee will be charged to Deposit Account no. 03-3975.

Here, applicants' submission included the authorization to charge Deposit Account No. 03-3975 for required fees. Based on this authorization, Deposit Account No. 03-3975 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted a declaration (affidavit) from the inventor regarding the name change. This declaration states that the inventor's surname was changed. However, the declaration (affidavit) does not state "the procedure whereby the change of name was effected" (i.e., marriage, etc.), nor is it accompanied by a "certified copy of the court order."

Because applicants have failed to submit all the requirements for a grantable petition, correction of the inventor's name on the present record is inappropriate. Accordingly, the declaration filed 06 June 2008, which identifies the inventor as Gerda Mitteregger-Kretzchmar, is defective for failure to properly identify the inventors of record herein.

Defective Declaration

Further, the declaration executed by Petra Weber and Tobias Johannes Högen includes an alteration. Any changes made in ink in the application or oath prior to signing should be initiated and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or non-dated alteration were made before or after signing of the oath or declaration but will require a new oath or declaration. (See 37 CFR 1.52(c))

Since applicants have not met the requirements for revival of an application under 37 CFR 1.137(b), revival at this time would not be proper.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains **ABANDONED**.

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." In addition, any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name and the procedure whereby the change of name was effected, as discussed above and in the MPEP. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony R —

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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19 OCT 2009

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Pillsbury Winthrop Shaw Pittman LLP
Attention: Docketing Department
P.O. Box 10500
McLean VA 22102

In re Application of: BERTSCH, et al. U.S. Application No.: 11/597,672 PCT No.: PCT/EP2005/005614 International Filing Date: 24 May 2005 Priority Date: 24 May 2004 Attorney's Docket No.: 009848-0358812 For: SYSTEMATIC IDENTIFICATION OF NEW ANTI-PRION DRUGS BY HIGH-THROUGHPUT SCREENING BASED ON SCANNING FOR INTENSELY FLUORESCENT TARGETS (SIFT)	DECISION ON PETITION UNDER 37 CFR 1.137(b) and 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and "Renewed Petition under 37 CFR 1.182" filed 28 September 2009.

BACKGROUND

On 24 May 2005, applicants filed international application PCT/EP2005/005614 which claimed a priority date of 24 May 2004. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 24 November 2006.

On 22 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 14 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required. Furthermore, the Notification indicated that $605 for additional claims were due.

On 10 December 2007, applicants filed a response to the Notification Of Missing Requirements. The submission included payment of the required surcharge; the additional fee for claims; and an executed declaration.

On 20 May 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that a declaration, in compliance with 37 CFR 1.497, was required within one month from the mail date of the Notification. The Notification indicated that this one month deadline was not extendable and that the failure to submit a proper response would result in abandonment of the application.

On 06 June 2008, applicants filed the "Response To Notice Of Defective Response" which included a declaration executed by: Uwe Bertsch; Armin Giese; Hans Kretzschmar; Paul Tavan; Thomas Hirschberger; Jan Bieschke; Petra Weber; Konstanze F. Winklhofer; Jörg Tatzelt; F.Ulrich Hartl; Gerda Mitteregger-Kretzchmar; and Tobias Johannes Högen.

On 16 December 2008, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration was defective because the eleventh inventor (Gerda Mitteregger-Kretzchmar) was not identified on the international application. The Notification indicated that this one month deadline was not extendable and that the failure to submit a proper response would result in abandonment of the application.

On 05 June 2009, applicants filed the "Petition Under 37 CFR 1.137(b) To Revive An Unintentionally Abandoned Application" considered herein. In a decision dated 28 July 2009, applicants' petitions under 37 CFR 1.137(b) and 37 CFR 1.182 were dismissed without prejudice.

On 28 September 2009, applicants filed the present renewed petitions.

DISCUSSION

Petition under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants have satisfied Items (2)-(4).

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.182. Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to change inventor's name (Gerda Mitteregger-Kretzchmar and Petra Frick) under 37 CFR 1.182 must be grantable.

Petition under 37 CFR 1.182

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

Here, applicants' previous submission included the authorization to charge Deposit Account No. 03-3975 for required fees. Based on this authorization, Deposit Account No. 03-3975 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. As for the affidavit requirement, applicants have submitted a declaration (affidavit) from the inventors (Gerda Mitteregger-Kretzchmar and Petra Frick) regarding the name change. The declarations state that the inventor's surname was changed due to marriage.

It is noted that the declaration executed by Tobias Johannes Högen is in compliance with 37 CFR 1.497(a)-(b).

Based on the correction to the seventh and eleventh inventor's name, the revised declarations filed with the present submission are acceptable under 37 CFR 1.497. Applicants have now submitted the "required reply," thereby satisfying the final requirement for a grantable petition for revival.

CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is GRANTED.

Applicants' petitions under 37 CFR 1.182 to correct the name of record for the seventh and eleventh inventor is GRANTED

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 September 2009.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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2 8 JAN 2009

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

In re Application of ZHENG et al	:	
U.S. Application No.: 11/597,728	:	
PCT Application No.: PCT/CN2005/000721	:	DECISION
Int. Filing Date: 24 May 2005	:	
Priority Date Claimed: 01 June 2004	:	
Attorney Docket No.: 2308/98714(EDP06037US)	:	
For: BELT WRAPPER	:	

This is in response to applicant's "Request to Add Inventor Under 37 C.F.R. 1.497" filed 29 July 2008.

BACKGROUND

On 24 May 2005, applicant filed international application PCT/CN2005/000721, which claimed priority of an earlier China application filed 01 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2006.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 03 January 2008, applicant filed a response to the Notification of Missing Requirements.

On 10 July 2008, the DO/EO/US mailed a Notification Defective Response (Form PCT/DO/EO/916), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 July 2008, applicant filed the present petition under 37 CFR 1.497(d) along with an executed declaration.

DISCUSSION

The petition states that Xingyu Zheng should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, MPEP 201.03, Section II. D., states in relevant part, "Where no assignee exists requester should affirmatively state that fact. If the file record including the request is silent as to the existence of an assignee it will be presumed that no assignee exists. Such presumption should be set forth in the decision to alert requesters to the requirement." In the present case, the petition fails to affirmatively state that the application has been assigned by any of the original named inventors. Although Office records indicate that an assignment has been recorded for the present application, written consent from the assignee has not been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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1 1 SEP 2009

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

In re Application of ZHENG et al	:	
U.S. Application No.: 11/597,728	:	
PCT Application No.: PCT/CN2005/000721	:	DECISION
Int. Filing Date: 24 May 2005	:	
Priority Date Claimed: 01 June 2004	:	
Attorney Docket No.: 2308/98714(EDP06037US)	:	
For: BELT WRAPPER	:	

This is in response to the renewed petition under 37 CFR 1.497(d) filed 16 July 2009.

BACKGROUND

On 24 May 2005, applicant filed international application PCT/CN2005/000721, which claimed priority of an earlier China application filed 01 June 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 15 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 01 December 2006.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 03 January 2008, applicant filed a response to the Notification of Missing Requirements.

On 10 July 2008, the DO/EO/US mailed a Notification Defective Response (Form PCT/DO/EO/916), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 July 2008, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 28 January 2009, this Office mailed a decision dismissing the 29 July 2008 petition.

On 12 June 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to respond to the Notification of Missing Requirements.

On 16 July 2009, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Xingyu Zheng should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the renewed petition includes appropriate written consent from the assignee to the change of inventorship.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 12 June 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 May 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Alexandria, VA 22313-1450
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13 SEP 2007

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of:	:	
WATTE, Jan, et al.	:	DECISION
U.S. Application No.: 11/597,734	:	
PCT No.: PCT/GB2005/001886	:	
International Filing Date: 17 May 2005	:	
Priority Date: 28 May 2004	:	
Attorney's Docket No.: TYR-P0012	:	
For: OPTICAL FIBRE CONNECTOR	:	

This decision is issued in response to applicants' filing of a declaration executed by a different inventive entity then that set forth in the declaration under PCT Rule 4.17(iv) filed during the international phase of the application, treated herein as a request under 37 CFR 1.497(d). Applicants have been charged the $130 processing fee.

BACKGROUND

On 17 May 2005, international application PCT/GB2005/001886 was filed. The application claimed a priority date of 17 May 2005, and it designated the United States. On 15 December 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 November 2006.

The published international application identified a corporate applicant for all states other than the U.S. and one applicant/inventor for the U.S.: Jan WATTE.

A Declaration of Inventorship under PCT Rule 4.17(iv) was filed in the international application. This declaration was executed by Jan WATTE and identified Jan WATTE as the sole inventor of the subject matter of the application.

On 15 September 2006 and 19 September 2006, the IB mailed three "Notification Of The Recording Of A Change" (Form PCT/IB/306) forms indicating that Jacob Arie ELENBAAS, Peter EYCKMANS, and Luis Nieves MENDES had been added as inventors for all states and as applicants for purposes of the U.S.

On 27 November 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national

fee, an Application Data Sheet (ADS), and an executed declaration. The inventors listed on the ADS and the executed declaration included the originally named inventor, Jan WATTE, and the three additional inventors referred to in the PCT/IB/306 forms, that is, Jacob Arie ELENBAAS, Peter EYCKMANS, and Luis Nieves MENDES.

DISCUSSION

As noted above, the declaration filed on 27 November 2006 names a different inventive entity than that set forth in the published international application and in the declaration previously filed under PCT Rule 4.17(iv). Specifically, the declaration includes three additional inventors not listed on the published international application and the declaration previously filed under PCT Rule 4.17(iv) (Jacob Arie ELENBAAS, Peter EYCKMANS, and Luis Nieves MENDES).

37 CFR 1.497(d) states the following (emphasis added):

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or **if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration,** applicant must submit:
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> (2) The processing fee set forth in § 1.17(i); and
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
> (4) Any new oath or declaration required by paragraph (f) of this section.

Here, as noted above, the inventive entity was changed by the addition of three additional inventors "subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv)," and "the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration." Accordingly, before the revised declaration filed herein on 27 November 2006 may be accepted, applicants are required to comply with the requirements of 37 CFR 1.497(d).

With respect to item (1), applicants have not provided the required statements from the three inventors added to the application. Item (1) is therefore not satisfied.

With respect to item (2), based on the authorization contained in the Transmittal Letter filed 27 November 2006, Deposit Account No. 02-0390 will be charged the required $130 processing fee. Item (2) is therefore satisfied.

With respect to item (3), applicants have not filed the written consent of the assignee to the correction in inventorship (in the form required under 37 CFR 3.73(b)). Item (3) is therefore not satisfied.

With respect to item (4), applicants have submitted, on 27 November 2006, a declaration which sets forth and is executed by the inventive entity as changed pursuant to PCT Rule 92*bis*. Item (4) is therefore satisfied.

Based on the above, applicants have failed to submit the requirements of 37 CFR 1.497(d)(1) and (3). Accordingly, the declaration filed herein on 27 November 2006, which names a different inventive entity than the declaration previously filed under PCT Rule 4.17(iv), cannot be accepted on the present record.

CONCLUSION

The request under 37 CFR 1.497(d) for acceptance of a declaration naming a different inventive entity than that set forth in the previously filed declaration under PCT Rule 4.17(iv) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy items (1) and (3) of a grantable request, as discussed above.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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Alexandria, VA 22313-1450
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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of:	:	
WATTE, Jan, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/597,734	:	REQUEST UNDER
PCT No.: PCT/GB2005/001886	:	37 CFR 1.497(d)
International Filing Date: 17 May 2005	:	
Priority Date: 28 May 2004	:	
Attorney's Docket No.: TYR-P0012	:	
For: OPTICAL FIBRE CONNECTOR	:	

This decision is issued in response to applicants' "Response To Decision Dated September 13, 2007" filed 06 December 2007, treated herein as a renewed request under 37 CFR 1.497(d). Applicants have previously been charged for the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed by this Office on 13 September 2007. As indicated in that decision, a Declaration of Inventorship under PCT Rule 4.17(iv) was filed herein prior to the addition of Jacob Arie ELENBAAS, Peter EYCKMANS, and Luis Nieves MENDES as additional inventors of record, and, under such circumstances, applicants are required to comply with 37 CFR 1.497(d). Because applicants had not submitted all the requirements of 37 CFR 1.497(d), the decision found that the declaration filed herein on 27 November 2006 (which names a different inventive entity than the declaration previously filed under PCT Rule 4.17(iv)) could not be accepted on the present record.

On 06 December 2007, applicants filed the "Response To Decision Dated September 13, 2007" considered herein, with required extension fee.

DISCUSSION

The previous decision indicated that applicants had failed to provide the statements on non-deceptive intent required under 37 CFR 1.497(d)(1) and the consent of the assignee in an acceptable form, as required by 37 CFR 1.497(d)(3).

The present submission includes statements of non-deceptive intent from the three added inventors. Accordingly, the requirements of 37 CFR 1.497(d)(1) are now satisfied.

With respect to the assignee's consent, the renewed submission includes a statement under 37 CFR 3.73(b) executed by the assignee, Tyco Electronics Raychem NV ("Tyco"), as required before the assignee's consent may be accepted. However, the submission does not include a statement executed on behalf of Tyco whereby Tyco specifically consents to the change in inventorship made herein. Until a properly executed statement of consent from Tyco is submitted, the requirement of 37 CFR 1.497(d)(3) remains unsatisfied.

Based on the above, applicants have not satisfied all the requirements of 37 CFR 1.497(d). Accordingly, the declaration filed herein on 27 November 2006 cannot be accepted on the present record.

CONCLUSION

Applicants' renewed request under 37 CFR 1.497(d) for acceptance of a declaration naming a different inventive entity than that set forth in the previously filed declaration under PCT Rule 4.17(iv) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (3) of a grantable request under 37 CFR 1.497(d), as discussed above, that is, a statement of consent to the change of inventorship properly executed on behalf of assignee Tyco.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

In re Application of:	:	
WATTE, Jan, et al.	:	DECISION ON SECOND
U.S. Application No.: 11/597,734	:	RENEWED SUBMISSION UNDER
PCT No.: PCT/GB2005/001886	:	37 CFR 1.497(d)
International Filing Date: 17 May 2005	:	
Priority Date: 28 May 2004	:	
Attorney's Docket No.: TYR-P0012	:	
For: OPTICAL FIBRE CONNECTOR	:	

This decision is issued in response to the "Response To Decision Dated April 22, 2008" filed 17 June 2008, treated herein as a second renewed submission under 37 CFR 1.497(d). Applicants have previously submitted the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed herein on 13 September 2007 and 22 April 2008. The most recent decision dismissed applicants' renewed request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of 37 CFR 1.497(d). Specifically, applicants had failed to provide the required consent of the assignee.

On 17 May 2008, applicants filed the "Response To Decision Dated April 22, 2008" considered herein.

DISCUSSION

The present submission includes a statement entitled "Consent Of Assignee" executed on behalf of the assignee, Tyco Electronics Raychem N.V. ("Tyco") in which the assignee specifically agrees to the addition of Peter EYCKMANS, Luis Neves MENDES, and Jacob Arie ELENBAAS as additional inventors of record herein (applicants had previously submitted a statement under 37 CFR 3.73(b) executed on behalf of Tyco). This submission satisfies the final outstanding requirement of 37 CFR 1.497(d).

Applicants have now satisfied the requirements of 37 CFR 1.497(d). The declaration filed herein on 27 November 2006 may therefore be accepted in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' second renewed request under 37 CFR 1.497(d) for acceptance of a declaration naming a different inventive entity then that set forth in the previously filed declaration under PCT Rule 4.17(iv) is **GRANTED**.

The inventorship of record herein is Jan WATTE, Jacob Arie ELENBAAS, Peter EYCKMANS, and Luis Neves MENDES.

The declaration filed 27 November 2006 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 November 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

11 JUN 2008

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of PEYNET et al	:	
U.S. Application No.: 11/597,738	:	
PCT Application No.: PCT/FR2004/001324	:	
Int. Filing Date: 28 May 2004	:	COMMUNICATION
Priority Date Claimed: none	:	
Attorney Docket No.: 1606-77119	:	
For: METHOD AND DEVICE FOR FORMING A CHIP-CONTAINING LABEL	:	

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47" filed 14 April 2008.

BACKGROUND

On 28 May 2004, applicant filed international application PCT/FR2004/001324. A copy of the international application was communicated to the USPTO from the International Bureau on 05 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 November 2006.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 April 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Papers filed in an application must bear an appropriate signature. See 37 CFR 1.33(b). Although the present petition bears what appears to be an S-signature, the attorney's registration

number is not supplied either as part of the S-signature or immediately below or adjacent to the S-signature. See 37 CFR 1.4(d)(2)(ii). Accordingly, a decision on the merits will be held in abeyance pending the submission of a properly signed petition.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should indicate that the petition filed 14 April 2008 lacks a proper signature.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of PEYNET et al	:	
U.S. Application No.: 11/597,738	:	
PCT Application No.: PCT/FR2004/001324	:	
Int. Filing Date: 28 May 2004	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 1606-77119	:	
For: METHOD AND DEVICE FOR FORMING A	:	
CHIP-CONTAINING LABEL	:	

This is in response to applicant's "Petition Under 37 C.F.R. § 1.47" filed 19 June 2008.

BACKGROUND

On 28 May 2004, applicant filed international application PCT/FR2004/001324. A copy of the international application was communicated to the USPTO from the International Bureau on 05 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 November 2006.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 April 2008, applicant filed an executed declaration.

On 19 June 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventors.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> * * *
>
> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Christophe Peynet

The petition states that joint inventor Christophe Peynet refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a

copy of the application papers to Peynet for signature (see affidavit of Michel Gerard). Furthermore, the petition sufficiently illustrates that Peynet refuses to sign. In particular, Peynet made an express written refusal to sign (see Annex 9) and an express oral refusal to sign (see Gerard affidavit). Thus, it can be concluded with reasonable certainty that Peynet refuses to join in the application.

Etienne Roger

The petition fails to specify whether joint inventor Etienne Roger refuses to sign or cannot be found after diligent effort. Although the Gerard affidavit states that a registered letter with return receipt requested was sent to Roger (see Annex 11), the affidavit fails to indicate the status of the return receipt. If Roger successfully received the letter, it would not be reasonable to conclude that Roger cannot be located. However, applicant could in such case allege that Roger's failure to respond to the letter evidences a constructive refusal to cooperate. Petitioner must specify whether joint inventor Etienne Roger refuses to sign or cannot be found after diligent effort and must indicate the status of the return receipt for the letter dated 07 April 2008.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known addresses of the nonsigning inventors.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 7 AUG 2008

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of PEYNET et al	:	
U.S. Application No.: 11/597,738	:	
PCT Application No.: PCT/FR2004/001324	:	
Int. Filing Date: 28 May 2004	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 1606-77119	:	
For: METHOD AND DEVICE FOR FORMING A CHIP-CONTAINING LABEL	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.47" filed 19 August 2008.

BACKGROUND

On 28 May 2004, applicant filed international application PCT/FR2004/001324. A copy of the international application was communicated to the USPTO from the International Bureau on 05 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 November 2006.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 April 2008, applicant filed an executed declaration.

On 19 June 2008, applicant filed the a under 37 CFR 1.47(a).

On 09 July 2008, this Office mailed a decision dismissing the 19 June 2008 petition.

On 10 August 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Christophe Peynet

Applicant has previously demonstrated that Christophe Peynet refuses to sign the application papers.

Etienne Roger

The renewed petition states that Etienne Roger refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Roger for signature (see affidavit of Michel Gerard dated 10 April 2008, affidavit of Michel Gerard dated 13 August 2008, and copy of return receipt). Furthermore,

petitioner has sufficiently established that Roger refuses to sign. Specifically, Roger's failure to respond to the letter dated 07 April 2008 evidences a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Roger refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 May 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 April 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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27 AUG 2008

Etienne Roger
56 avenue de Saint Germain
F-78600 Maisons Laffitte
FRANCE

In re Application of PEYNET et al
U.S. Application No.: 11/597,738
PCT Application No.: PCT/FR2004/001324
Int. Filing Date: 28 May 2004
Priority Date Claimed: none
For: METHOD AND DEVICE FOR FORMING A CHIP-CONTAINING LABEL

Dear Etienne Roger:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606
Attorney Docket No.: 1606-77119

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ALEXANDRIA, VA 22313-1450
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27 AUG 2008

Christophe Peynet
16, sentier des Closeaux
F-94240 L'Hay Les Roses
FRANCE

In re Application of PEYNET et al
U.S. Application No.: 11/597,738
PCT Application No.: PCT/FR2004/001324
Int. Filing Date: 28 May 2004
Priority Date Claimed: none
For: METHOD AND DEVICE FOR FORMING A CHIP-CONTAINING LABEL

Dear Christophe Peynet:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606
Attorney Docket No.: 1606-77119

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10 MAR 2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
YANAGI, Hideshi et al.	:	
Application No.: 11/597,740	:	DECISION ON
PCT No.: PCT/JP2005/009614	:	
Int. Filing Date: 26 May 2005	:	REQUEST
Priority Date: 27 May 2004	:	
Attorney's Docket No.: Q98667	:	UNDER 37 CFR 1.42
For: SEALING PUMP-UP DEVICE	:	

This is a decision on applicants' 22 June 2007, submission of a declaration containing an indication that a joint inventor is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 26 May 2005, applicants filed international application PCT/JP2005/009614, claiming a priority date of 27 May 2004. A copy of the international application was transmitted to the Office by the International Bureau on 08 December 2005. The deadline for entry into the national stage in the United States was 27 November 2006.

On 27 November 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 22 June 2007, applicants filed a declaration of the inventors that has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and lists the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. As such, the declaration would comply with 37 CFR 1.42 and 1.497(a)-(b), but the declaration contains foreign language text. The declaration is not a USPTO form and is not accompanied by a statement that the

English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the Japanese or a new oath or declaration is required.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to comply with 37 CFR 1.69 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically, or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459

1 3 JUN 2008

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
YANAGI, Hideshi et al.	:	
Application No.: 11/597,740	:	DECISION ON
PCT No.: PCT/JP2005/009614	:	
Int. Filing Date: 26 May 2005	:	REQUEST
Priority Date: 27 May 2004	:	
Attorney's Docket No.: Q98667	:	UNDER 37 CFR 1.42
For: SEALING PUMP-UP DEVICE	:	

This is a decision on applicants' 15 April 2008 renewed submission of a request for status under 37 CFR 1.42.

BACKGROUND

On 10 March 2008, the Office mailed Decision, dismissing applicants' submission without prejudice, indicating that a statement that the English translation is an accurate translation of the Japanese text under 37 CFR 1.69 was required.

On 15 April 2008, applicants supplied a verification of translation.

DISCUSSION

Applicants have supplied a statement that the English text is an accurate translation of the Japanese.

CONCLUSION

For the reasons discussed above, applicants' request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 22 June 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/21/2010

Applicant	: Hugh Alexander Blakes	: DECISION ON REQUEST FOR
Patent Number	: 7646571	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/597,755	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **130** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicant: Kavteladze
Appl. No.: 11/597,759
International Filing Date: May 25, 2005
Title: STENT AND STENT RETRIEVAL SYSTEM AND A METHOD OF PULLING A STENT INTO A TUBULAR MEMBER
Attorney Docket No.: 29502.01
Pub. No.: US 2008/0281403 A1
Pub. Date: November 13, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 2, 2009, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the assignees data is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor regarding the incorrect assignment information on the front page of the publication is not an Office error. The application was correctly published with the assignment information, which was provided on the transmittal letter and/or application data sheet received on entering the National Stage.[2]

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

[2] See 37 CFR 1.215(b) and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

Furthermore, the failure to include the correct assignee on the front page of the published patent application would not be a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on January 1, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

1 8 JUN 2008

CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

In re Application of OKADA et al	:	
U.S. Application No.: 11/597,768	:	
PCT Application No.: PCT/JP2004/007196	:	DECISION
Int. Filing Date: 26 May 2004	:	
Priority Date Claimed: none	:	
Attorney Docket No.: PRM-0088	:	
For: SYSTEM CLOCK GENERATOR CIRCUIT	:	

This is in response to applicant's "Response to the Notification of Missing Requirements" filed 12 December 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 May 2004, applicant filed international application PCT/JP2004/007196. A copy of the international application was communicated to the USPTO from the International Bureau on 08 December 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 November 2006, which was a Sunday.

On 27 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the international application must be filed.

On 12 December 2007, applicant filed the present petition under 37 CFR 1.181 along with an executed declaration.

DISCUSSION

The evidence of record is sufficient to establish that the translation was originally filed on 27 November 2006. Specifically, the copy of the return postcard, which includes the translation in its itemized contents and which bears a USPTO date stamp of 27 November 2006, serves as prima facie evidence that the translation was received by the USPTO on 27 November 2006.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 May 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 October 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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13 SEP 2007

28986
Harriet M. Strimpel
NEW ENGLAND BIOLABS, INC.
240 County Road
Ipswich, MA 01938

In re Application of ROBERTS, Richard U.S. Application No.: 11/597,785 PCT No.: PCT/US2005/019241 Int. Filing Date: 01 June 2005 Priority Date: 02 June 2004 Attorney Docket No.: NEB-248-PUS For: INFERRING FUNCTION FROM SHOTGUN SEQUENCE DATA	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 17 August 20007 is hereby **GRANTED** as follows:

The petition fee of $750.00 was charged with the petition filed 17 August 2007. Applicant submitted authorization to charge the Basic National Fee and other required fees after a telephone call from the undersigned on 11 September 2007. The required statement pursuant to 37 CFR 1.137(b)(3) was provided. A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 11 September 2007. The $65.00 surcharge fee has been charged to Deposit Account No. 14-0740 as authorized.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 01 June 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 September 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
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www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Heinrich Steinruecken	: DECISION ON REQUEST FOR
Patent Number	: 7661297	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/597,803	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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15 OCT 2009

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FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	DECISION ON
SIN XICOLA et al	
PCT No.: PCT/EP2004/005961	
Application No.: 11/597,831	PETITION UNDER
Int. Filing Date: 31 May 2004	
Priority Date: NA	
Attorney's Docket No.: 05788.0415	37 CFR 1.47(a)
For: ELECTROCHEMICAL DEVICE WITH	
A LSGM-ELECTROLYTE	

This decision is in response to petitioner's "RESPONSE TO NOTIFICATION OF MISSING ... WITHOUT EXECUTION BY A JOINT INVENTOR" submitted on 14 August 2009, requesting the acceptance of the application without the signature of the inventor Antonio ZAOPO. Petitioner's deposit account has been charged the requisite $200 petition.

BACKGROUND

On 31 May 2004, applicants filed international application PCT/EP2004/005961.

On 28 November 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 07 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." The notification further stated that all items must be submitted within two months from the date of mailing or by 32 months from the priority date for the application in order to avoid abandonment of the national stage application.

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) and the Notice, petitioner filed on 14 August 2009, a petition under 37 CFR 1.47(a), a Declaration and Power for Patent Application executed by Agustin Sin XICOLA, Elena RODA, Yuri A. DUBITSKY, Enrico ALBIZZATI and Evgeny KOPNIN on their and on behalf on the nonsigning inventor, Antonio ZAOPO.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), the petition fee of $200.00 has been paid.

Regarding item (2), the averments of Paola Villa and Giovanna Fasolini are sufficient to support a finding that the nonsigning inventor, Mr. Zaopo refuses to sign because it is clear that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for his signature, and that the inventor refused to return the correspondence. Ms. Fasolini mailed a copy of the application papers on March 19, 2007 to Mr. Zaopo and it was delivered to him on March 24, 2007 and up to February 28, 2009 petitioner has not received any signed documents from him.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Antonio ZAOPO
Via Ciceri Visconti 10
20137 Milano
Italy

Regarding item (4), petitioner has provided an executed declaration signed Agustin Sin XICOLA, Elena RODA, Yuri A. DUBITSKY, Enrico ALBIZZATI and Evgeny KOPNIN on their and on behalf on the nonsigning inventor, Antonio ZAOPO.

Consequently, at this time it can be concluded that Mr. Zaopo has refused to sign the required documents.

As a result, the petition satisfies all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **14 August 2009.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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15 OCT 2009

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Antonio ZAOPO
Via Ciceri Visconti 10
20137 Milano
Italy

In re Application of
SIN XICOLA et al
PCT No.: PCT/EP2004/005961
Application No.: 11/597,831
Int. Filing Date: 31 May 2004
Priority Date: NA
Attorney's Docket No.: 05788.0415
For: ELECTROCHEMICAL DEVICE WITH A LSGM-ELECTROLYTE

Dear: Mr. ZAOPO

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, NY 10016

In re Application of	:	
Kevin Mark MONK	:	
U.S. Application No.: 11/597,842	:	
PCT No.: PCT/IB05/01695	:	DECISION ON PETITION
Int. Filing Date: 12 April 2005	:	UNDER 37 CFR 1.47(b)
Priority Date: 28 May 2004	:	
Attorney Docket No.: 66763/13	:	
For: INTEGRATED WATER SUPPLY	:	
SYSTEM FOR MULTI-FLOOR	:	
BUILDINGS		

This decision is in response to applicant's "Petition under 37 Rule 1.47(b)" filed 13 November 2007 to accept the application without the signature of the sole inventor, Kevin Mark Monk. The $200 petition fee has been submitted.

BACKGROUND

On 12 April 2005, applicant filed international application PCT/IB05/01695 which claimed a priority date of 28 May 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 November 2006.

On 28 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 13 June 2007, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 13 November 2007, applicant filed a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), MPEP section 409.03(d) states that "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, the evidence regarding the refusal of the inventor to sign the application is contained in the "Statement of Facts" executed by Stephen Paul. Mr. Paul is the proper person to be making this declaration, since he is the person who attempted to obtain the nonsigning inventor's signature and he therefore has the "firsthand" knowledge required by the M.P.E.P. However, Mr. Paul's declaration does not contain evidence that a copy of the complete application papers (specification, including claims, drawings, and oath or declaration) mailed to the nonsigning inventor, as required before a refusal to sign can be alleged. Because the petition does not include evidence that the nonsigning inventor has been sent a copy of the complete application papers, item (2) above is not satisfied.

Regarding item (3), applicant has provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), the petition includes a declaration that was apparently executed on behalf of the nonsigning inventor. However, the declaration does not identify the person who executed the declaration. A revised declaration is required that properly identifies both the nonsigning inventor and the 37 CFR 1.47(b) applicant. This declaration must be executed by a specifically named individual with stated or apparent authority to act on behalf of the 37 CFR 1.47(b) applicant. On the present record, item (4) is not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner here has provided an assignment executed by the nonsigning inventor. The assignment transfers the inventor's right to patents in all countries to the 37 CFR 1.47(b) applicant (Stephen Paul Holdings) with respect to international application no. PCT/IB05/01695. This submission satisfies the assignment requirement. Additionally, petitioner has submitted the required statement under 37 CFR 3.73. Item (5) is therefore satisfied.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Mark Page under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, NY 10016

In re Application of Kevin Mark MONK U.S. Application No.: 11/597,842 PCT No.: PCT/IB05/01695 Int. Filing Date: 12 April 2005 Priority Date: 28 May 2004 Attorney Docket No.: 66763/13 For: INTEGRATED WATER SUPPLY SYSTEM . . . BUILDINGS	DECISION ON PETITION UNDER 37 CFR 1.47(b)

In a decision mailed by this Office on 23 October 2008, the petition under 37 CFR 1.47(b) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted (1) adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application and (2) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor.

On 17 December 2008, petitioner filed the renewed petition considered herein. The renewed petition is accompanied by a statement from Stephen Paul, with supporting documents, which provides an acceptable showing that the non-signing inventor has been provided with a copy of the present application and the declaration, and that the inventor has refused to sign the declaration. Further, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been provided.

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of nonsigning inventor Kevin Mark Monk.

A notice of the acceptance of the application under 37 CFR 1.47(b) will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the renewed petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 December 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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27 FEB 2009

Kevin Mark MONK
27/31 Leviathan Drive
Mudgeeraba,Queensland 4213
Australia

In re Application of Kevin Mark MONK
U.S. Application No.: 11/597,842
PCT No.: PCT/IB05/01695
Int. Filing Date: 12 April 2005
Priority Date: 28 May 2004
Attorney Docket No.: 66763/13
For: INTEGRATED WATER SUPPLY SYSTEM FOR MULTI-FLOOR BUILDINGS

Dear Mr. Monk:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

Counsel of Record:
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, NY 10016

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,847	11/27/2006	Toshiaki Kawanishi	930055-2050	8544

7590 03/26/2008

Ronald R. Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

MAR 2 6 2008

In re Application of
Toshiaki KAWANISHI et al.
Application No.: 11/597,847
Filed: 27 November 2006
Attorney Docket No.: 930055-2050

For: LIQUID TYPE IDENTIFYING METHOD AND LIQUID TYPE IDENTIFYING DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 13 March 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition fails to include:

2. b. A complete copy of an English translation of the allowable/patentable claims. It is noted that the translation ends at the bottom of page 6 of the FAX dated 08 03/12 with a partial translation of claim 16, and no translation of claim 17.

3. a. Because a complete copy of an English translation of the allowable/patentable claims has not been presented, it can not be determined if claims 16 and 17 in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claims in the JPO application. Currently, the instant claims 1-15 comply with requirements of item 3 above.

A proper response in this case must include:

A complete copy of an English translation of the allowable/patentable claims with a statement that the English translation is accurate, and ensure all the claims in the U.S. application sufficiently correspond or are amended to sufficiently correspond to the allowable/patentable claims in the JPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,847	11/27/2006	Toshiaki Kawanishi	930055-2050	8544

7590 04/07/2008

Ronald R. Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
04/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

APR -7 2008

In re Application of
Toshiaki KAWANISHI et al.
Application No.: 11/597,847
Filed: 27 November 2006
Attorney Docket No.: 930055-2050

For: LIQUID TYPE IDENTIFYING METHOD AND LIQUID TYPE IDENTIFYING DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 13 March 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

A proper response in this case was received on April 2, 2008 and included a complete copy of an English translation of the allowable/patentable claims.

Because a complete copy of an English translation of the allowable/patentable claims was presented, it was determined that claims 16 and 17 in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application.

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

0 8 JAN 2007

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
BAUMGARTNER et al.	:	
Application No.: 11/597,919	:	DECISION ON
PCT No.: PCT/EP2005/003155	:	
Int. Filing Date: 24 March 2005	:	PETITION UNDER
Priority Date: 01 April 2004	:	
Attorney Docket No.: 037068.58459US	:	37 CFR 1.137(b)
For: BRAKE MECHANISM	:	

This decision is in response to applicant's submission filed 29 November 2006.

BACKGROUND

On 24 March 2005, applicants filed international application PCT/EP2005/003155 which designated the U.S. and claimed a priority date of 01 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 October 2006 (01 October 2006 being a Sunday).

On 29 November 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 29 November 2006.

As to item (2), applicant submitted the petition fee on 29 November 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,920	11/29/2006	Masami Hirotomi	1018760-000031	2402

7590 07/25/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
3673	

NOTIFICATION DATE	DELIVERY MODE
07/25/2008	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

15 DEC 2006

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

In re Application of
TAKAHASHI et al.
Application No.: 11/597,932
PCT No.: PCT/JP05/03388
Int. Filing Date: 01 March 2005
Priority Date: 04 March 2004
Attorney Docket No.: 040894-7537
For: CATALYST FOR CYCLIC CARBONATE SYNTHESIS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 November 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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Commissioner for Patents
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Alexandria, VA 22313-1450
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04 JAN 2007

William Collard
COLLARD & ROW, P.C.
1077 Northern Blvd.
Roslyn, NY 11576

In re Application of THEIS, Michael U.S. Application No.: 11/597,965 PCT No.: PCT/DE2004/002278 Int. Filing Date: 14 October 2004 Priority Date: 28 October 2003 Attorney Docket No.: THEIS-1 PCT For: FIBER-OPTICAL PLUG AS WELL AS A SINGLE AND DOUBLE COUPLER FOR RECEIVING ONE SUCH PLUG	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 29 November 2006 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee, surcharge fee, processing fee and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 October 2004 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 November 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HODES, PESSIN & KATZ , P.A
901 DULANEY VALLY ROAD , SUITE 400
BALTIMORE, MD 21204

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of Gianluca Cippiciani Application No. 11/597,973 Filed: November 29, 2006 Attorney Docket No. 06260-PCT-PA (0030.0586)	: : : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2008, to revive the above-identified application.

The application became abandoned for failure to file a proper reply to the non-final Office action mailed April 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2625 for appropriate action by the Examiner in the normal course of business on the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 07/01/2010

Applicant	: Graham Gilgrass	: DECISION ON REQUEST FOR
Patent Number	: 7616083	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,007	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **183** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

RECEIVED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of
KAPLAN, David R. et al.
Application No. 11/598,034
Filed: November 13, 2006
Attorney Docket No. **HFSC-0006-UT1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Steven B. Kelber. Steven B. Kelber has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

There is an outstanding Office action mailed November 25, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD, SUITE 400
MCLEAN VA 22102

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SEP 12 2007

OFFICE OF PETITIONS

In re Application of

KNOBLACH, et al.
Application No. 11/598,074
Filed: November 13, 2006
Attorney Docket No. **446132000201**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 13, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Peter J. Davis on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GERALD M. KNOBLACH**
117 SOUTH LAKEVIEW BOULEVARD
CHANDLER, AZ 85225

cc: **DARBY & DARBY PC**
1500 K STREET NW, SUITE 250
WAHINGTON, DC 20005-1714

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/24/07

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/598082** Patent No.: **7288157**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1793
Art Unit

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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MAR 2 8 2007

OFFICE OF PETITIONS

In re Patent of	:	
Liu et al.	:	
Application No. 11/598089	:	DECISION
Filing or 371(c) Date: 11/13/2006	:	ON PETITION
Title of Invention:	:	
SMALL ELECTRODE FOR RESISTANCE	:	
VARIABLE DEVICES	:	

This is a decision on the Petition for Withdrawal of Notice of Omitted Items, filed December 14, 2006, requesting the application be accorded a filing date of November 13, 2006, including Figures 4A-C described in the specification.

The petition is **granted**.

Background

The application was filed on November 13, 2006. On December 1, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing; however, Figures 4A-C described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that Figures 4A-C were included among 19 drawings (8 sheets), filed with the application on November 13, 2006. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* 19 drawings (8 sheets), by this Office on November 13, 2006.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted. In view of postcard, there is no need to address incorporation by reference.

The copy of Figures 4A-C, filed with the instant petition, will be used for examination purposes.

The petition fee has been refunded to deposit account 19-4880 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 13, 2006, and an indication that Figures 4A-C described in the specification was included among 19 drawings (8 sheets), filed on November 13, 2006, using Figures 4A-C filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Yonghua Cong	: DECISION ON REQUEST FOR
Patent Number	: 7659782	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,104	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **37** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Hugo Salamanca	:	
Application No. 11/598,119	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 6793/030	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the non-final Office action mailed August 25, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2009. A Notice of Abandonment was mailed March 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 16 2009

In re Application of	:	
Higo Salamanca	:	
Application No.11/598,138	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 6758-009	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply ; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notices mailed December 11, 2006, February 6, 2007 and March 27, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing. Afterwards, the application will be referred to Technology Center AU 3661 for appropriate action by the Examiner in the normal course of business.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,139	11/13/2006	Take-Jung Kwon	P57942	8347

7590 06/03/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refin. Ref: 06/03/2009 BPOWELL 0007302400
DA#:C24943 Name/Number:11598139
FC: 9204 $500.00 CR

Adjustment date: 06/03/2009 BPOWELL
11/15/2006 LNGUYEN2 00000004 11598139
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 06/03/2009 BPOWELL 0007302400
DA#:024943 Name/Number:11598139
FC: 9204 $500.00 CR

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CISLO & THOMAS LLP
1333 2ND STREET
SUITE 500
SANTA MONICA CA 90401-4110

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
John Hui, et al.	:	
Application No. 11/598,172	:	ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. T-4946	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 10, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 11, 2009. The Notice of Abandonment was mailed June 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on July 1, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to Technology Center AU 1791 appropriate action on the concurrently filed amendment.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 08/16/09

2 Serial/Patent # 11/598,172

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
X	Extension of Time		07/01/09	$ 555.00
	Notice of Appeal/Appeal			$
	Petition			$
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 555.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 0 3 -- 2 0 3 0

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Extension of time unnecessary.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Terri Williams TITLE: Paralegal Specialist

SIGNATURE: Terri Williams PHONE: (571) 272-2991

OFFICE: Office of Petitions

****

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APPROVED: KL DATE: 8/17/09

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Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

PTO/SB/22 (06-09)
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Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) **FY 2009** *(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)*	Docket Number (Optional) 07-18710
Application Number 11/598,172	Filed November 13, 2006
For Combination Hole Puncher with Cartridge of Reinforcers	
Art Unit 1791	Examiner Christopher C. Caillouet

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$130	$65	$
☐	Two months (37 CFR 1.17(a)(2))	$490	$245	$
☑	Three months (37 CFR 1.17(a)(3))	$1110	$555	$ 555
☐	Four months (37 CFR 1.17(a)(4))	$1730	$865	$
☐	Five months (37 CFR 1.17(a)(5))	$2350	$1175	$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☑ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 03-2030.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☑ attorney or agent of record. Registration Number 32,973

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

6-30-09
Date

Daniel M. Cislo
Typed or printed name

310-451-0647
Telephone Number

Adjustment date: 08/17/2009 LDIEP1
07/02/2009 INTEFSW 00006803 032030 11598172
03 FC:2253 555.00 CR

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☑ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

WENKAI XIE
4503 DALHART ROAD NW
CALGARY AB T3A 1B9 CA CANADA

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SEP 02 2009
OFFICE OF PETITIONS

In re Application of :
Wenkai W. X. Xie :
Application No. 11/598,174 :
Filed: November 13, 2006 :
Attorney Docket No. CUECHALK.IDG :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2009 and supplemented on August 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 30, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405 (as submitted on August 12, 2009), and the submission required by 37 CFR 1.114 (as submitted with the petition on April 8, 2009); (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6842.

This application is being referred to Technology Center AU3711for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Carl Friedman
Petitions Examiner
Office of Petitions

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AMSTED Industries Incorporated
Two Prudential Plaza
Suite 1800
Chicago, IL 60601

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JAN 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Casey Walsh	:	
Application No. 11/598,183	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 6272DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 26, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2007. A Notice of Abandonment was mailed on October 31, 2007.

While the assignee attempted to intervene in the above-identified application, the Power of Attorney filed on November 13, 2006, does not comply with the requirements of 37 CFR 3.73(b). 37 CFR 3.73(b)(1)(i), requires a statement that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11. Therefore, in order to perfect the power of attorney filed on November 13, 2006, compliance with 37 CFR 3.73(b) must be satisfied.

In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that Edward Brosius is authorized to represent the particular party in whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, terminal disclaimer and $130.00 fee as required by 37 CFR 1.321 (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

Office records show that petitioner submitted an additional petition fee of $130.00 on November 21, 2007. Since that fee is unnecessary, the $130.00 overpayment will be refunded to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received November 21, 2007.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

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DEC 09 2009
OFFICE OF PETITIONS

In re Application of	:	
Waters et al.	:	
Application No. 11/598,195	:	DECISION ON PETITION
Filed: November 13, 2006	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
300204381-3	:	
Title: DETECTOR		

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 29, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 10, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on September 11, 2009. A Notice of Abandonment was mailed on October 7, 2009, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

action or notice, unless previously filed;

(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the petition, publication, and issue fees, along with a statement that is being construed as the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

---

3 See Rule 1.137(d).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date	: 4/26/2010
Patent No.	: 7,646,303 B2
Serial No.	: 11/598,195
Inventor(s)	: Waters et al.
Issue Date	: January 12, 2010
Title	: **DETECTOR**
Doc./File No.	: **300204381-5**

Re: Reconsideration for Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting, the alleged error in the omission of priority data, section 119 of 35 U.S.C. requires that both a claim for priority and a certified copy of the foreign application be filed in order that a patent issue with this data. No record can be found of a certified copy of foreign application number requested. Therefore, no correction is in order here.

In view of the foregoing, your request in this matter is denied.

However, further consideration will be given these matters, upon receipt of a request for **Reconsideration** certificate of correction (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892 w/references considered by examiner, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

ecw

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Paper No.

ACCENTURE, LLP
C/O HOGAN & HARTSON, LLP
(IPGROUP)
555 13TH STREET NW
SUITE 600E
WASHINGTON DC 20004

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Hendrik Fliek	:	PETITION NOTING JOINDER
and Scott Christensen	:	OF INVENTOR AND PETITION
Application No. 11/598,197	:	UNDER 37 CFR 1.47(a) MOOT
Filed: November 13, 2006	:	and
Atty Docket No. 86769-0094	:	REQUIREMENT FOR
	:	SUPPLEMENTAL DECLARATION

This is in response to the "PETITION UNDER 37 C.F.R. §1.47(a)", filed February 5, 2007. This decision is made in light of the supplement to petition filed February 21, 2007.

The petition is **DISMISSED AS MOOT**. However, for the reasons set forth herein, a supplemental declaration is required.

The above-identified application was filed on November 13, 2006, without an executed declaration. On February 5, 2007, applicants filed the petition under 37 CFR 1.47(a) with a declaration purportedly signed by inventor Fliek on behalf of himself and on behalf of deceased inventor Christensen[1].

[1] 37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e)).

Despite this assertion, the petition did include a showing that the widow of deceased inventor Christensen was unavailable to join in the application. Nonetheless, prior to consideration of the petition on the merits, on February 21, 2007, applicants submitted a declaration executed by Lea Christensen for inventor Christensen.

The declarations filed February 5, and 21, 2007 have been reviewed. However, 37 CFR 1.64(b) requires that:

> If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

A supplemental declaration is required to state, if appropriate, that Lea Christensen is the legal representative and to include her citizenship, residence and mailing address in compliance with 37 C.F.R. 1.64(b). See also 37 CFR 1.67.

In view of the joinder of the legal representative, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The supplemental declaration should be submitted before the first Office action on the merits or earlier, if otherwise required by the Office (i.e., by Notice from the Office of Initial Patent Examination).

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,235	11/13/2006	Jung-Soo Jung	52893	7543

7590 04/14/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
TROST IV, WILLIAM GEORGE

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/14/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
04/14/2008 DTERRY 0000162233

CHECK Refund Ref: 04/14/2008 DTERRY
Adjustment Refund Ref: 04/14/2008 DTERRY
04/30/2007 DEMMANU1 00000164 11598235
03 FC:1111 -500.00 OP
05 FC:1201 -600.00 OP
06 FC:1202 -100.00 OP

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Paper No.

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Takeuchi et al.	:	DECISION ON PETITION
Application No. 11/598,262	:	
Filed: November 8, 2006	:	
Atty Docket No. 52433/870	:	

This is a decision on the PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW HOLDING OF ABANDONMENT filed October 1, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed February 27, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered filed and no extension of time considered obtained, the application became abandoned effective May 28, 2007. A courtesy Notice of Abandonment was mailed on September 6, 2007.

In response, applicant promptly filed the instant petition. Petitioner maintains that applicant filed a Response on September 21, 2007 together with a Petition and fee for a three-month extension of time. Petitioner encloses a copy of the full Response. Petitioner states that the Response included a Certificate of Mailing that it was deposited with the U.S. Postal Service on September 21, 2007. In support thereof, petitioner also submitted a copy of their itemized and date-stamped return postcard acknowledging receipt of a response on September 25, 2007.

Petitioner's evidence has been reviewed, and is persuasive that applicant met the requirements of 37 CFR 1.8(b) to have the response considered timely filed. Nonetheless, consideration of their evidence is unnecessary. Their response, including an

extension of time and certificate of mailing dated August 27, 2007, is present in the application with a date of receipt of September 4, 2007.

Further, the three-month extension of time, required to make the response timely, was previously charged to petitioner's Deposit Account upon receipt on September 4, 2007.

Accordingly, the Notice of Abandonment mailed September 6, 2007 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3635 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response timely filed on September 4, 2007 (with certificate of mailed dated August 27, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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SEP 11 56 2008

092008

CHEYNETTA L. BOONE
1096 CASCADE BLVD.
CHESAPEAKE, VA 23324

In re Application of: Cheynetta L. Boone Serial No.: 11/598,274 Filed: November 13, 2006 Title: MATTER FOR THE ALL ALUMINUM HOUSING USED FOR PRODUCING SOUND	: : : : :	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on January 2, 2008, setting a three-month shortened statutory period for responding thereto. In an apparent failure to receive a response, the application was held abandoned and a Notice of Abandonment was mailed on August 5, 2008.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn in view of the fact that a Response including a submission of 3 claims was filed on March 11, 2008. The application is not abandoned in fact.

The response filed March 11, 2008 will be processed and the examiner will review the response including determining whether the response was in proper format and fully responsive to the outstanding Office action. Inconvenience to the applicant is regretted.

Any inquiry regarding this decision should be directed to Walter Benson, Supervisory Patent Examiner, at (571) 272-2227.

Janice A. Falcone, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Paul R. Graham	: DECISION ON REQUEST FOR
Patent Number	: 7588714	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,312	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **376** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

KELLEY DRYE & WARREN LLP
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

In re Application of **SELINFREUND,** Richard H. Application No. 11/598,314 Filed: November 13, 2006 Attorney Docket No. **VTI-126(P)(US)**	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009 and resubmitted on April 30, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Hans-Peter Hoffman and Marvin Wachs on behalf of all attorneys of record who are associated with customer No. 47670. All attorneys/agents associated with the Customer Number 47670 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **RICHARD H. SELINFREUND**
4131 HERITAGE TRAIL
TERRE HAUTE IN 47803

cc: **VERILOC, LLC**
333 MICHELSON STREET
SUITE 600
IRVINE CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

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BUSH INTELLECTUAL PROPERTY LAW GROUP, LLC
P.O. BOX 381146
BIRMINGHAM AL 35238

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APR 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
David Worsham et al.	:	
Application No. 11/598,336	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. WORSHAM 1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 1, 2008. Accordingly, the date of abandonment of this application is March 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

MAIL

MAR 16 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
WANG, YU-CHANG :
Serial No.: **11/598,340** :
Filed: November 13, 2006 : DECISION ON PETITION
For: **IMAGE DE-INTERLACING METHOD** :

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed Nobember 13, 2006, requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 2B, and 13, be accepted in lieu of black and white drawing

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3(three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **DENIED**.

The petition was filed without the specification containing or an amendment to contain the language mentioned in the paragraph above.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include correction of the deficiency outlined above. The application will be held in the Technology Center for two months to await any request for reconsideration of this decision.

Krista Zele for
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
SUITE 1750
ATLANDA, GA 30339-5948

In re Application of
WANG, YU-CHANG et al.
Serial No.: 11/598340
Filed: November 13, 2006
For: **IMAGE DE-INTERLACING METHOD**

REQUEST FOR RECONSIDERATION ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the request for reconsideration of petition pursuant to 37 C.F.R. § 1.84(a)(2), filed April 16, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings/photographs, noted as Figures 2B and 13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

A review of the file record reveals that applicant has provided three sets of color drawings, filed simultaneously with the subject petition and the required amendment to the specification.

Petitioner has satisfied the requirements of 37 C.F.R. §1.84(a)(2). Accordingly, the petition is **GRANTED**.

The application file will be forwarded to the examiner for action in appropriate turn.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of	:	
Frederic DEMOLLI, et al	:	
Application No. 11/598,346	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 3909P		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

Mail Date: 04/20/2010

Applicant	: Yoshihiro Hara	: DECISION ON REQUEST FOR
Patent Number	: 7640741	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,358	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **431** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

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MAY 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Frederic Demolli et al.	:	
Application No. 11/598,372	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 3911P	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joseph A. Sawyer, Jr. on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Frederic Demolli**
Rd Jean Giono
Rognac, 13340
France

cc: **Schwegman, Lundberg & Woessner/ATMEL**
P.O. Box 2938
Minneapolis, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/598,372	11/13/2006	Frederic Demolli	3911P

CONFIRMATION NO. 9257

POWER OF ATTORNEY NOTICE

29141
SAWYER LAW GROUP LLP
P O BOX 51418
PALO ALTO, CA 94303

OC000000029809904

Date Mailed: 05/07/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/03/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

MCAFEE & TAFT
TENTH FLOOR, TWO LEADERSHIP SQUARE
211 NORTH ROBINSON
OKLAHOMA CITY OK 73102

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MAY 25 2007
OFFICE OF PETITIONS

In re Application of John A. Kenney Application No. 11/598,373 Filed: November 13, 2006 Attorney Docket No.: 16625.2006 Title: COMPUTER OPERATION CONTROL AND ITEM SELECTION AND VENDING METHODS AND SYSTEMS	DECISION ON PETITION PURSUANT TO 37 C.F.R. §1.53

This is a decision on the petition filed January 23, 2007, requesting that the above-identified application, including pages 21-29 of the specification, be accorded a filing date of November 13, 2006 as part of the original disclosure.

The application was deposited on November 13, 2006. However, on December 5, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that pages 21-29 of the specification appeared to have been omitted. The notice set a two-month period of reply.

In response, on January 23, 2007, applicants filed the present petition. The petition is further accompanied by a copy of pages 21-29 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification (32 pages)" in the United States Patent and Trademark Office (Office) on November 13, 2006. Petitioner requests that pages 21-29 of the specification be accorded a filing date of November 13, 2006.

It is noted that 19 pages of specification, 3 pages of claims, and a 1 page abstract have been located in the electronic file.

Upon review of the record, the above-mentioned pages have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 13, 2006 included pages 21-29 of the specification, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including pages 21-29 of the specification, was complete on filing and entitled to a filing date of November 13, 2006 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed December 5, 2006 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the $400.00 petition fee will be refunded to Petitioner's Deposit Account.

The application file is being returned to OIPE for further processing with a filing date of November 13, 2006, using the original application papers filed on that date, as well as pages 21-29 of the specification submitted on January 23, 2007, and for noting in Office records that these sheets were present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOX ROTHSCHILD, LLP
997 LENOX DRIVE
LAWRENCEVILLE NJ 08648

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JUL 1 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Kathy L. Chamness	:	
Application No. 11/598397	:	
Filing or 371(c) Date: 11/13/2006	:	DECISION
Attorney Docket Number:	:	ON PETITION
48170.00110/P25444.00	:	

This is a decision on the Petition to Correct the Filing Date Under 37 CFR § 1.10(c) and MPEP 513 § (V)," filed March 2, 2007. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on November 13, 2006. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EQ618471338US. A review of the Express Mail label, No. EQ618471338US, reveals that the "Date In" indicated on the Express Mail label is November 13, 2006. The same Express Mail label number was placed on the original application papers located in the Official file.

In view of the above, the petition is **granted**. No fee has been charged and none is due.

The application is being referred to the Office of Initial Patent Examination for correction of the filing date to November 13, 2006, and for the mailing of a Corrected Filing Receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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BOLESH J. SKUTNIK
CERAMOPTEC INDUSTRIES, INC.
515 SHAKER RD.
EAST LONGMEADOW, MA 01028

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of
Wolfgang Neuberger
Application No. 11/598,401
Filed: November 13, 2006
Attorney Docket No. BJA398A

ON PETITION

This is a decision in response to the petition, filed July 15, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed October 8, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 9, 2009. A Notice of Abandonment was mailed on June 24, 2009. In response, on July 15, 2009, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Eric E. Grondahl appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Grondahl desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the $555 extension fee included with this petition is being refunded to counsel's deposit account.

The application is being referred to Technology Center AU 3769 for appropriate action by the Examiner in the normal course of business on the reply received July 15, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ERIC E. GRONDAHL
MCCARTER & ENGLISH LLP
185 ASYLUM STREET, CITY PLACE 1
HARTFORD, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Margaret A. FREEBERN :
Application No. 11/598,403 : DECISION ON PETITION
Filed: November 13, 2006 :
Attorney Docket No. **I439.130.101/P2007, 1108** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 19, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed November 19, 2008. Accordingly, the date of abandonment of this application is February 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Data Management for processing into a patent.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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MAY 22 2007

OFFICE OF PETITIONS

In re Application of :
Ward, Hodges, and Steggles :
Application No. 11/598,413 :
Filed: November 13, 2006 :
Attorney Docket No. 2002-0122CON :
For: User Interface Systems :

Decision Refusing to Accord
Status Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed December 18, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

The instant application is a continuation of application no. 10/478,061, which is the national stage of PCT/GB2002/002013.

A grantable petition under 37 CFR 1.47(a) requires proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings). Petitioner has failed to prove constructive refusal by Steggles to sign the declaration.

Office policy requires a copy of an application be presented to an inventor in order to establish constructive refusal to sign a declaration. Petitioner must establish the inventor was able to sign the declaration but refused to sign the declaration. An inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. The petition fails to establish the non-signing inventor was presented with a copy of the application papers.

Petitioner should send a copy of the application to the inventor along with instructions setting a deadline for the return of a signed declaration. The letter to the inventor should state that, if petitioner receives no reply from the inventor, petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of ultimatum lends support to a finding of refusal by conduct when a response is not received from an inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

The Office recognizes a letter sent to the non-signing inventor on January 19, 2004 stated, "A copy of the published PCT specification and the amended claims as filed in the US are enclosed for your convenience." However, the letter fails to indicate the published specification and amended claims are identical to the application papers filed for application no. 10/478,061 on November 18, 2003. Therefore, the inventor could not have signed a declaration stating he had "reviewed and [understood] the contents of [application no. 10/478,061]."

The petition fee of $200 has been charged to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Ward, Hodges, and Steggles	:	
Application No. 11/598,413	:	Decision According Status
Filed: November 13, 2006	:	Under 37 CFR 1.47(a)
Attorney Docket No. 2002-0122CON	:	
For: User Interface Systems	:	

This is a decision on the petition under 37 CFR 1.47(a), filed July 2, 2007.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Technology Center Art Unit 2786 will be informed of the instant decision and the application will be examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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P. Steggles
70 Melvin Way
Cambridge
Cambridgeshire
CB4 9HZ
UNITED KINGDOM

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of :
Ward, Hodges, and Steggles :
Application No. 11/598,413 :
Filed: November 13, 2006 :
Attorney Docket No. 2002-0122CON :
For: User Interface Systems :

Letter

Mr. Steggles:

You are named as a joint inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

Telephone inquiries regarding this communication may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/21/2010

Applicant	: Kie Y. Ahn	: DECISION ON REQUEST FOR
Patent Number	: 7625794	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,437	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Kurt D. Beigel	: DECISION ON REQUEST FOR
Patent Number	: 7645671	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,449	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **555** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Toshiharu Enmei	:	
Application No. 11/598,464	:	ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. A849.312-0012	:	

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed February 25, 2010. The request is being treated as a petition under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,489	11/13/2006	David Kruse	14917.0522USC1/MS318623.0	9332

27488 7590 02/04/2008
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

ART UNIT	PAPER NUMBER
2113	

MAIL DATE	DELIVERY MODE
02/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

JAN 3 1 2008

TECHNOLOGY CENTER 2100

Gregory D. Leibold
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
David KRUSE et al.
Appl. No.: 11/598,489
Filed: November 13, 2006
For: CLIENT EXTENDED ERROR HANDLING

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 15 January 2008, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 15 January 2008 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 15 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DANIEL J. DENEUFBOURG
CTS CORPORATION
171 COVINGTON DRIVE
BLOOMINGDALE IL 60108

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APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas A. Knecht, et al.	:	
Application No. 11/598,491	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. WC0177	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 8, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 8, 2008. Accordingly, the date of abandonment of this application is January 9, 2009. The Notice of Abandonment was mailed February 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steven Thrasher
391 Sandhill Dr.
Richardson TX 75080

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Angelovich	:	
Filed: November 13, 2006	:	ON PETITION
Application No. 11/598,521	:	
Atty. Dkt. No.: 01008.00011	:	

This decision is in response to the petition to accord the above-identified application a filing date of Nov3mber 13, 2006, filed January 23, 2007, with drawings as part of the original disclosure of invention.

The application was filed November 13, 2006. The Notice of Incomplete Nonprovisional Application mailed December 4, 2006 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as required per 35 USC 113.

In response, the petitioner argues that the application as deposited included one sheet of the drawings and have presented as proof of mailing and proof of receipt of the sheet of drawings a return postcard date stamped by the Office on November 13, 2006. A copy of drawing sheet purportedly filed with the application was submitted herewith.

The original drawings sheet has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of November 13, 2006 is GRANTED.

Since the original drawing sheet cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 13, 2006.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN THRASHER
391 SANDHILL DRIVE
RICHARDSON, TX 75080

COPY MAILED
JUL 21 2008

In re Application of	:	
Arielle Angelovich	:	
Application No. 11/598,521	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

Furthermore the petition cannot be approved because the practitioner was not appointed by customer number. In order to withdraw by customer number the practitioner must be appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ARIELLE ANGELOVICH
C/O MICHAEL ANGELOVICH
2900 ST. MICHAEL DRIVE
5TH FLOOR
TEXARKANA, TX 75503

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OFFICE OF PETITIONS

STEVEN TRASHER
391 SANDHILL DRIVE
RICHARDSON, TX 75080

In re Application of	:	
Arielle Angelovich	:	
Application No. 11/598,521	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because practitioner have not certified that he has (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment and (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled. It is noted that submitting false certification may violate a practitioner's duty under 37 CFR 10.23(b)(4) and (b)(5).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ARIELLE ANGELOVICH
C/O MICHAEL ANGELOVICH
2900 ST MICHAEL DRIVE
FIFTH FLOOR
TEXARKANA, TX 75503

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steven Thrasher
391 Sandhill Dr.
Richardson TX 75080

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AUG 1 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Arielle Angelovich	:	
Application No. 11/598,522	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00021	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Arielle Angelovich c/o Michael Angelovich**
2900 St. Michael Drive, 5th Floor
Texarkana, TX 75503

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steven Thrasher
391 Sandhill Drive
Richardson, TX 75080

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MAR 1 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Arielle Angelovich	:	
Application No. 11/598,522	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00021	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steven Thrasher on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Arielle Angelovich at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Arielle Angelovich c/o**
Michael Angelovich
2900 St. Michael Drive
5th Floor
Texarkana, TX 75503

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/598,522	11/13/2006	Arielle Angelovich	01008.00021

CONFIRMATION NO. 9310

POWER OF ATTORNEY NOTICE

Steven Thrasher
391 Sandhill Dr.
Richardson, TX 75080

OC000000034951748

Date Mailed: 03/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

Steven Thrasher
391 Sandhill Drive
Richardson, TX 75080

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MAY 12 2008

In re Application of	:	
Aidan Angelovich, et al.	:	
Application No. 11/598,523	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00031	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 10, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Aidan Angelovich**
c/o Michael Angelovich
2900 St. Michael Drive, 5th Floor
Texarkana, TX 75503

UNITED STATES PATENT AND TRADEMARK OFFICE

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Steven Thrasher
391 Sandhill Dr.
Richardson, TX 75080

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MAR 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Aidan Angelovich, et al.	:	
Application No. 11/598,523	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 01008.00031	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steven Thrasher on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Aidan Angelovich at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Aidan Angelovich**
2900 St. Michael Drive
5th Floor
Texarkana, TX 75503

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/598,523	11/13/2006	Aidan Angelovich	01008.00031

CONFIRMATION NO. 9311

POWER OF ATTORNEY NOTICE

Steven Thrasher
391 Sandhill Dr.
Richardson, TX 75080

OC000000034958096

Date Mailed: 03/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 18 2007

In re BRESCH ET AL.
Appl No.: 11/598,524
Filed: November 13, 2006
For: **METHOD FOR GENERATING DATA SET**

DECISION ON PETITION
37 CFR 1.84(a)(2)

The following is a decision on the October 19, 2007 petition entitled "PETITION UNDER 37 CFR SECTION 1.84(a)(2).

The petition is GRANTED.

Petitioner's submission of color drawings labeled 8A, 8B, 8C, 9A, 9B, 10 and 11 have been retained in an artifact folder and upon review of these figures the following comment is made.

The text of the pertinent section of 37 CFR 1.84 is here reproduced:

> 37 CFR 1.84. (a) (2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:
>
> (i) The fee set forth in § 1.17(h);
>
> (ii) Three (3) sets of color drawings;
>
> (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
>
> The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

As petitioner's submission met all the requirements of § 1.84(a) (2), the drawings are accepted into the record.

O I P E IAP86
OCT 19 2007
PATENT & TRADEMARK OFFICE

BARNES & THORNBURG LLP

600 One Summit Square
Fort Wayne, Indiana 46802
(260) 423-9440

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	**23641**
Application No.:	11/598,524
Confirmation No.:	9323
Filing Date:	November 13, 2006
Attorney Docket No.:	26893/83065
First Named Inventor:	David N. Bresch
Group Art Unit:	2863
Examiner Name:	Sujoy K. Kundu
Title:	METHODS FOR GENERATING DATA SET

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on October 17, 2007

Rhonda Reed

PROPOSED AMENDMENT UNDER 37 CFR SECTION 1.312

Attn: Mail Stop Issue Fee
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified application as follows:

PLEASE ENTER AMENDMENT INTO SPEC

11/27/2007

The amendment to the first paged of the specification shall be entered. The application is forwarded to the examiner in charge thereof for further action.

John E. Barlow
Supervisory Patent Examiner
Art Unit 2863
Technology Center 2800

BARNES & THORNBURG LLP
600 One Summit Square
Fort Wayne, IN 46802

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

Mail Date: 04/30/2010

Applicant	: Guido Koch	: DECISION ON REQUEST FOR
Patent Number	: 7634826	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,527	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BROOMBERG & SUNSTEIN, LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

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SEP 22 2008

OFFICE OF PETITIONS

Applicant: Judy
Appl. No.: 11/598,540
Filing Date: November 13, 2006
Title: INERTIAL SENSOR
Attorney Docket No.: 2550/B38
Pub. No.: US 2007/0180912 A1
Pub. Date: August 9, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 2, 2007, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors, in that the drawing appearing on the front of the publication is not a drawing that was filed.

The request is DISMISSED as moot.

Since the application has already issued as U.S. Patent No. 7,363,816 on April 29, 2008, the request is deemed moot.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: April 14, 2008

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Applicant: Tu et al.
Appl. No.: 11/598,542
Filing Date: November 13, 2006
Title: GLAUCOMA STENT AND METHODS THEREOF FOR GLAUCOMA TREATMENT
Attorney Docket No.: GLAUKO.011C1
Pub. No.: US 2007/0112292 A1
Pub. Date: May 17, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 8, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 04/15/2008 KKING1
02/11/2008 INTEFSW 00003745 11598542
01 FC:1504 -300.00 OP

Refund Ref:
04/15/2008 0030053952

Credit Card Refund Total: $300.00

Master C: XXXXXXXXXXXX5583

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United States Patent and Trademark Office
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Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow Road
Melville NY 11747

COPY MAILED
SEP 19 2008

In re Application of :
Janos Borbely. :
Application No. 11/598,548 : DECISION ON PETITION
Filed: November 13, 2006 :
For: PREPARATION OF HYDROPHILIC NANOPARTICLES BY COPOLYMERIZATION OF MONO AND DIVINYL MONOMERS IN MICELLAR SOLUTION :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts of Nonprovisional Application, which was mailed on December 6, 2006. The Notice to File Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 7, 2007. A Notice of Abandonment was mailed on August 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, filing fees, replacement drawings and surcharge fee (2) the petition fee of $770.00, and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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DARIUS CHUNG
1550 VICENZA DR.
SPARKS NV 89434

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MAR 2 9 2007

OFFICE OF PETITIONS

In re Application of :
Harry Harvey Chappell et al. :
Application No. 11/598,552 :
Filed: November 13, 2006 :
Attorney Docket No. :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant Robert R. Swinney declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1755 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

North Star Intellectual Property Law, PC
P.O. Box 34688
Washington, DC 20043

Mail Date: 05/21/2010

Applicant	: Jung-wan Ko	: DECISION ON REQUEST FOR
Patent Number	: 7640464	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,567	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Vertex Pharmaceuticals, Inc.
130 Waverly Street
Cambridge, MA 02139-4242

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MAY 2 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Dean Wilson et al.	:	
Application No. 11/598,576	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. VPI/05-147 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed April 5, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 6, 2007. A Notice of Abandonment was mailed on December 7, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a signed Oath and Declaration with the required surcharge fee of $130, (2) the petition fee of $1,540, and (3) a proper statement of unintentional delay. Accordingly the Oath and Declaration is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received March 18, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCCORMICK. PAULDING & HUBER LLP
City Place II, 185 Asylum Street
Hartford, CT 06103-3402

MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Guido KOCH et al	:	
Application No. 11/598,596	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 2619-0050	:	

This is a decision on the petition under 37 CFR 1.181, filed, March 27, 2007, to correct the inventorship in the instant application.

The petition is **DISMISSED**.

Petitioner requests that the U.S. Patent and Trademark Office (Office) update their records to add the names THOMAS BIEHL and to delete GUDIO KOCH AND HEIKO KOTTMANN as inventors. Petitioner submits that due to a clerical error as well as a mistake by the Office, the Declaration/Power of Attorney executed by Guido Koch, Heiko Kottmann, and Markus Burstner was inadvertently filed and accepted in the instant application. Petitioner further notes that it should be clear that the declaration submitted with the filing of the instant application is in error given a review of the Application Data Sheet (ADS), and the other documents submitted at filing.

A first filed oath or declaration under 37 CFR 1.63 executed by less than all of the inventors initially identified will under 37 CFR 1.48(f)(1), determine the inventorship in an application. Hence the acceptance of the Declaration as originally filed, does not constitute Office error. Changes made after submission of an executed Declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute Declaration. Change of inventorship requires a petition under 37 CFR 1.48. Applicant is therefore advised that the proper venue for correction of inventorship is 37 CFR 1.48. This rule provides for the myriad of instances where correction of the inventorship in an application may be required, and the requirements for a grantable petition to effect said correction.

It is also noted that the Office provides for correction of foreign priority by way of a petition under 37 CFR 1.55. Since there is no Office error, and the Office provides a proper venue for correction of foreign priority, the request cannot be granted under 37 CFR 1.181.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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MCCORMICK. PAULDING & HUBER LLP
City Place II, 185 Asylum Street
Hartford, CT 06103-3402

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MAR 01 2010

In re Application of	:	
Guido KOCH et al et al	:	
Application No. 11/598,596	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 2619-0050	:	

This is a decision on the petition under 37 CFR 1.181, filed, September 3, 2009, to correct the inventorship in the instant application.

The petition is **GRANTED**.

Petitioner requests that the U.S. Patent and Trademark Office (Office) update their records to add the name THOMAS BIEHL and to delete the names GUDIO KOCH AND HEIKO KOTTMANN as inventors. Petitioner submits that due to a clerical error as well as a mistake by the Office, the Declaration/Power of Attorney executed by Guido Koch, Heiko Kottmann, and Markus Burstner was inadvertently filed and accepted in the instant application. Petitioner further notes that it should be clear that the declaration submitted with the filing of the instant application is in error given a review of the Application Data Sheet (ADS), and the other documents submitted at filing.

The petition is granted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosed: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/598,596	11/13/2006	3673	1130	2619-0050	12	1

CONFIRMATION NO. 9011

CORRECTED FILING RECEIPT

35301
MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

OC000000040320213

Date Mailed: 02/26/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Markus Burstner, Karlsruhe, GERMANY;
Thomas Biehl, Rastatt, GERMANY;

Assignment For Published Patent Application

MAQUET GmbH & Co. KG, Rastatt, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 35301

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2005 054 223.9 11/14/2005

If Required, Foreign Filing License Granted: 12/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/598,596**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Device for adjusting an operating table

Preliminary Class

005

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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City Place II, 185 Asylum Street
Hartford, CT 06103-3402

MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of	:	
Markus BRUSTNER et al et al	:	
Application No. 11/598,597	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 2619-0051	:	

This is a decision on the petition under 37 CFR 1.181, filed, March 27, 2007, to correct the inventorship in the instant application.

The petition is **DISMISSED**.

Petitioner requests that the U.S. Patent and Trademark Office (Office) update their records to add the names GUIDO KOCH AND HEIKO KOTTMANN and to delete the name THOMAS BIEHL as inventors. Petitioner submits that due to a clerical error as well as a mistake by the Office, the Declaration/Power of Attorney executed by Markus Burstner and Thomas Biehl was inadvertently filed and accepted in the instant application. Petitioner further notes that it should be clear that the declaration submitted with the filing of the instant application is in error given a review of the Application Data Sheet (ADS), and the other documents submitted at filing.

A first filed oath or declaration under 37 CFR 1.63 executed by less than all of the inventors initially identified will under 37 CFR 1.48(f)(1), determine the inventorship in an application. Hence the acceptance of the Declaration as originally filed, does not constitute Office error. Changes made after submission of an executed Declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute Declaration. Change of inventorship requires a petition under 37 CFR 1.48. Applicant is therefore advised that the proper venue for correction of inventorship is 37 CFR 1.48. This rule provides for the myriad of instances where correction of the inventorship in an application may be required, and the requirements for a grantable petition to effect said correction.

It is also noted that the Office provides for correction of foreign priority by way of a petition under 37 CFR 1.55. Since there is no Office error, and the Office provides a proper venue for correction of foreign priority, the request cannot be granted under 37 CFR 1.181.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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Hartford, CT 06103-3402

COPY MAILED
MAR 01 2010

In re Application of	:	
Markus BRUSTNER et al et al	:	
Application No. 11/598,597	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 2619-0051	:	

This is a decision on the petition under 37 CFR 1.181, filed, September 3, 2009, to correct the inventorship in the instant application.

The petition is **GRANTED**.

Petitioner requests that the U.S. Patent and Trademark Office (Office) update their records to add the names GUIDO KOCH AND HEIKO KOTTMANN and to delete the name THOMAS BIEHL as inventors. Petitioner submits that due to a clerical error as well as a mistake by the Office, the Declaration/Power of Attorney executed by Markus Burstner and Thomas Biehl was inadvertently filed and accepted in the instant application. Petitioner further notes that it should be clear that the declaration submitted with the filing of the instant application is in error given a review of the Application Data Sheet (ADS), and the other documents submitted at filing.

The petition is granted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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By hand: Customer Service Window
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Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosed: Corrected Filing Receipt

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/598,597	11/13/2006	3673	1130	2619-0051	9	1

CONFIRMATION NO. 9038

CORRECTED FILING RECEIPT

35301
MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

OC000000040321061

Date Mailed: 02/26/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Guido Koch, Karlsruhe, GERMANY;
Heiko Kottmann, Rastatt, GERMANY;
Markus Burstner, Karlsruhe, GERMANY;

Assignment For Published Patent Application

MAQUET GmbH & Co. KG, Rastatt, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 35301

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2005 054 174.7 11/14/2005

If Required, Foreign Filing License Granted: 12/01/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/598,597**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Patient bed for an operating table

Preliminary Class

005

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

Mail Date: 04/21/2010

Applicant	: Yan Wang	: DECISION ON REQUEST FOR
Patent Number	: 7667021	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,618	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **315** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 3/9/09

Paper No.: —

TO SPE OF : ART UNIT 3721

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/598705 Patent No.: 7376558B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/David R. Hudspeth/
SPE

2626
Art Unit

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DIRECTORS OFFICE

JAN 24 2007

TECHNOLOGY CENTER 2800

Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of	:	
Yuichi SHIMIZU, *et. al.*	:	**DECISION ON REQUEST TO**
Application No. 11598731	:	**PARTICIPATE IN PATENT**
Filed: October 14, 2006	:	**PROSECUTION HIGHWAY**
Attorney Docket No. 117243.01	:	**PILOT PROGRAM AND PETITION**
For: ELECTRO-OPTICAL DEVICE	:	**TO MAKE SPECIAL UNDER**
AND ELECTRONIC APPARATUS	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 12/15/06, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

C. Oda
Christine Oda
TC 2800
TQAS

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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GARY M. NATH
NATH & ASSOCIATES PLLC
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

COPY MAILED

MAR 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Bernard Levy, et al.	:	
Application No. 11/598,761	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 90558A	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Bernard Levy. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3728 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,763	11/14/2006	Bulent Ozbas	UOD-259US	1448

66469 7590 06/07/2010
RATNERPRESTIA
P.O. BOX 1596
WILMINGTON, DE 19899

EXAMINER
KOSAR, ANDREW D

ART UNIT	PAPER NUMBER
1654	

MAIL DATE	DELIVERY MODE
06/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

09-23-09

IFW

OIPE IAP78
SEP 22 2009
PATENT & TRADEMARK OFFICE

UOD-259US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No:	11/598,763
Applicant:	Bulent Ozbas et al.
Filed:	November 14, 2006
Title:	NOVEL HYDROGELS AND USES THEREOF
T.C./A.U.:	1654
Examiner:	Abdel A. Mohamed
Confirmation No.:	1448
Docket No.:	UOD-259US

PETITION TO ACCEPT COLOR PHOTOGRAPHS AND DRAWINGS (37 C.F.R. § 1.84(a)(2) AND (b)(2))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Granted
CT 4/27/10

1. This petition is for the acceptance of color drawings and photographs (37 C.F.R. § 1.84 (a)(2) and (b)(2).

2. Attached hereto are three (3) sets of color photographs and one (1) set of black and white photographs.

3. The necessary language for the submission of color drawings and photographs has been inserted as the first paragraph of the brief description of the drawings in the specification of the patent application.

4. Color drawings or photographs are needed in this application for the following reasons:

Figures 7A, 18, 27, 32, 33B-33C, and 35 are photomicrographs showing various features within HPL8 hydrogels. The use of color for these images is necessary because attempts to render them in black and white resulted in insufficient clarity.

5. The petition required to waive the requirements of § 1.84 (37 C.F.R. § 1.17(i) - $130.00) is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of $_____.

09/23/2009 HVUONG1 00000024 11598763
01 FC:1464 130.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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In re Application of: Butterick et al	:	
Serial Number: 11/598763	:	
Filed: November 14, 2006	:	
Attorney Docket: 11657-00054-US3	:	DECISION ON PETITION
For: Novel Hydrogels and Uses Therof	:	

This is in response to applicant's petition to accept color drawings/photographs filed on September 22, 2009.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Cecilia J.Tsang/
Supervisory Patent Examiner, Art nit 1654

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GOUDREAU GAGE DUBUC
2000 MCGILL COLLEGE
SUITE 2200
MONTREAL, QC H3A 3H3
CANADA

Mail Date: 06/04/2010

Applicant	: Jacques Fortin	: DECISION ON REQUEST FOR
Patent Number	: 7647147	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,764	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **33** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,796	11/14/2006	Kenichi Fujita	FUJI3021	9551

7590 10/30/2009
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
HALEY, JOSEPH R

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
10/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

REFUND Set: 10/30/2009 NFARMER 0011441209
DRW:020233 Name/Number:11598796
FC: 9204 $500.00 CR

Adjustment date: 10/30/2009 NFARMER
11/15/2006 EAYALEW1 00000049 11598796
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON TX 77002-2716

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SEP 2 9 2008

OFFICE OF PETITIONS

In re Application of

LEE, Kin Kwok et al.
Application No. 11/598,830
Filed: November 14, 2006
Attorney Docket No. **32185591-000001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael Dai on behalf of all attorneys of record who are associated with customer No. 51738. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There is an outstanding Office action mailed July 07, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **KIN KWOK LEE**
FLAT H, 5/F WIN FONG HEIGHTS
15 SHING FONG ST., KWAI FONG
NT, HONG KONG HK HONG KONG

cc: **SANFORD ANTI-COUNTERFEIT DIGITAL TECHNOLOGIES, LTD.**
1244 STANFORD STREET, UNIT B
SANTA MONICA, CA 90404

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GANZ LAW, PC
P.O. BOX 2200
HILLSBORO, OR 97123

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JAN 29 2009

OFFICE OF PETITIONS

In re Application of :
John **VERHAAR** :
Application No. 11/598,852 :
Filed: November 13, 2006 :
Attorney Docket No. **VER001** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 16, 2008.

The request is **APPROVED**.

A review of the file record indicates that Bradley M. Ganz: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Bradley M. Ganz has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The correspondence address of record remains unchanged. Joseph Edmondson remains attorney of record.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JOSEPH CURTIS EDMONDSON**
15490 NW OOAK HILLS DRIVE
BEAVERTON, OR 97006

cc: **JOHN VERHAAR**
14692 VAN BUREN STREET
MIDWAY CITY, CA 92555

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APPLE INC./BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Yasuo Kida	: DECISION ON REQUEST FOR
Patent Number	: 7630880	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,869	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Orum & Roth, LLC
Ste 1616
53 W. Jackson Blvd.
Chicago, IL 60604

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of Klaus Reichenbach Application No. 11/598,883 Filed: November 14, 2006 Attorney Docket No. 14525	: : : : :	DECISION ON PETITION

This is a decision on the communication filed January 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **dismissed**.

The above application was held abandoned for failure to file a reply to the nonfinal Office action mailed June 23, 2009. A Notice of Abandonment was mailed on January 13, 2010.

Petitioner states, "Applicant respectfully contends that the Applicant mailed a timely response on 23 December 2009 to the outstanding Office Action. Applicant acknowledges that apparently and inadvertently no signed Certificate of Mailing was submitted together with the response to show that the response was mailed on 23 December 2009. We now provide a signed Certificate of Mailing that certifies this Office Action was indeed mailed on 23 December 2009."

A review of the record shows that a nonfinal Office action was mailed on June 23, 2009, which set a three month response period for reply. On December 31, 2009, a response was filed along with $555 for a three month extension of time. Since no response with a three month extension of time was timely filed on or before December 23, 2009, the above application was properly held abandoned. On January 13, 2010, a Notice of Abandonment was mailed.

MPEP 512 [R-3] Certificate of Mailing or Transmission states in part:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

In this case, the Certificate of Mailing under 37 CFR 1.8 did not accompany the papers filed on December 31, 2009. Petitioner should note that a Certificate of Mailing under 37 CFR 1.8 is not effective if it is not accompanied by the papers that are being certified as mailed. Therefore, the present petition cannot be granted.

It is strongly recommended that petitioner file a petition to revive under 37 CFR 1.137(b) and pay the petition fee of $810. The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The Centralized facsimile number is (571) 273-8300, and documentation to this number should be addressed to the Office of Petitions.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO. To expedite consideration, petitioner may wish to contact the undersigned once the renewed petition under 37 CFR 1.137(b) has been filed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Orum & Roth, LLC
Ste 1616
53 W. Jackson Blvd.
Chicago, IL 60604

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of
Klaus Reichenbach
Application No. 11/598,883
Filed: November 14, 2006
Attorney Docket No. 14525

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 4, 2010, to revive the above-identified application.

In response to the decision mailed May 24, 2010, petitioner submits the present renewed petition along with the $810 petition fee. Since the requirements under 37 CFR 1.137(b) has been met, the petition is **granted**.

This application file is being referred to Technology Center Art Unit 3762 for review of the amendment submitted with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

Mail Date: 04/21/2010

Applicant	: Paul Edward Voglewede	: DECISION ON REQUEST FOR
Patent Number	: 7633391	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/598,911	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **363** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

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AUG 25 2008

OFFICE OF PETITIONS

Kevin E. McVeigh
RHODIA INC.
CN 7500
8 Cedar Brook Dr.
CRANBURY NJ 08512-7500

In re Application of Rajesh Pazhianur et al. Application No. 11/598,929 Filed: November 14, 2006 Attorney Docket No. RD 05014 Title: AGRICULTURAL ADJUVANT COMPOSTIONS, PESTICIDE COMPOSITIONS, AND METHODS FOR USING SUCH COMPOSITIONS	:	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.78(A)(6)

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed July 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a

transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1616 for appropriate action on the amendment filed July 21, 2008, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[2]. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

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1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMYRSKI LAW GROUP
A PROFESSIONAL CORPORATION
3310 AIRPORT AVENUE, SW
SANTA MONICA CA 90405

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DEC 19 2006

OFFICE OF PETITIONS

In re Application of	:	
Lenny Lipton, et al.	:	
Application No. 11/598,950	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. REAL0129	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Lenny Lipton. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2621 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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NOV 1 8 2008

OFFICE OF PETITIONS

In re Application of

ZHENG, Yu
Application No. 11/598,958
Filed: November 14, 2006
Attorney Docket No. **44435-0004.CIP**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 27, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Steven A. Moore does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PATENT CATGORY CORPORATION**
ATTN: THOMAS DOVER
368 S. CHERYL LANE
INDUSTRY CA 91789

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY
STE. 1500
ATLANTA, GA 30339

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NOV 2 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Donald Warren	:	
Application No. 11/598,967	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. 740305-1020	:	FROM RECORD
	:	

This is a decision on the Requests to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2007 and October 24, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "we are no longer retained to prosecute this application," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Warren
61 Maple Valley Drive
Carrollton, GA 30116

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United States Patent and Trademark Office
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE. 1500
ATLANTA, GA 30339-5994

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FEB 05 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald Warren	:	
Application No. 11/598,967	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. 740305-1020	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 13, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Harold L. Marquis on behalf of all attorneys/agents associated with customer number 24504. All attorneys/agents associated with customer number 24504 have been withdrawn.

The correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions in this case.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Warren
61 Maple Valley Drive
Carrollton, GA 30116

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/598,967	11/14/2006	Donald Warren	740305-1020

CONFIRMATION NO. 4384

POWER OF ATTORNEY NOTICE

24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

OC000000028108974

Date Mailed: 02/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/598,973	11/14/2006	Salman Akram	2269-5277.8US (98-0361.08

TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: September 17, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed August 16, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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JUDY JARECKI-BLACK, PH.D, J.D
MERIAL LTD.
3239 SATELLITE BLVD.
DULUTH, GA 30096

MAILED

MAY 06 2009

OFFICE OF PETITIONS

In re Application of :
Laurent Bernard Fisher :
Application No.: 11/599,026 : ON PETITION
Filed: November 14, 2006 :
Attorney Docket No.: MER 05-053 :

This is a decision on the petition, filed May 4, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 15, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1632 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/599,043	11/13/2006	Paul D. Shirley	2269-5863.3US (03-0063.03	1922

7590 07/17/2009
TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER
TALBOT, BRIAN K

ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
07/17/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/17/2009 NFARMER 0000168046

CHECK Refund Total: $500.00

Adjustment date: 07/17/2009 NFARMER
11/16/2006 JBALINAN 00000028 11599043
02 FC:1111 -500.00 OP

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5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of	:
Wilbur Widmer, David Stewart	: DECISION ACCORDING STATUS
and Karel Grohmann	: UNDER 37 C.F.R. § 1.47(a)
Application No. 11/599,056	:
Filed: November 14, 2006	:
Attorney Docket No. 121.06	:

This is a decision on the Petition Under 37 C.F.R. Sections 1.47(a) And 1.181 filed March 23, 2007.

The petition is **GRANTED**.

The above-identified application was filed on November 14, 2006, with an application data sheet but without an executed oath or declaration. Accordingly, on December 8, 2006, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

On February 8, 2007, applicants timely responded with a declaration executed by joint inventors Widmer and Grohmann on behalf of themselves and on behalf of non-signing inventor Stewart. The response included payment of the late surcharge. However, the response did not include a petition under 1.47(a) to accept the declaration without the signature of inventor Stewart. Accordingly, on February 20, 2007, the Office mailed a "Notice of Incomplete Reply (Nonprovisional)" requiring inventor Stewart's signature on an oath or declaration.

In response, applicants filed the instant petition to accept a declaration as executed by joint inventors Widmer and Grohmann

on behalf of themselves and on behalf of non-signing inventor Stewart. This response was made timely by a petition and extension of time for response within the second month. Applicants assert that status under 1.47(a) is proper because joint inventor David Stewart refuses to execute the declaration. On petition, patent practitioner G. Byron Stover based on firsthand knowledge sets forth the facts relied on to show that inventor Stewart after having been presented with the application papers has refused to join in the application.

The declaration filed February 8, 2007, has been reviewed and found in compliance with § 1.47. The petition includes the petition fee and the last known address of inventor Stewart.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID STEWART
2820 NW 45th STREET
BOCA RATON, FL 33434

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Wilbur Widmer, David Stewart	:	
and Karel Grohmann	:	LETTER
Application No. 11/599,056	:	
Filed: November 14, 2006	:	
Attorney Docket No. 121.06	:	

Dear Mr. Stewart:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

G. Byron Stover
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark A. Navarre
P.O. Box 537
Urbana, Ohio 43078

In re Application of	:	
Mitchell R. Herman	:	**DECISION ON PETITION**
Application No. 11/599,072	:	
Filed: 11/14/2006	:	
Attorney Docket No. **HRM-011**	:	

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 C.F.R 1.81 (a), received in the United States Patent and Trademark Office (USPTO) July 16, 2007.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed March 07, 2007 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on July 3, 2007.

Petitioner states that the issue fee transmittal and payment were timely transmitted via facsimile on June 6, 2007. Petitioner submitted a copy of the original submission, a copy of the cover sheet used to transmit the document and a Transmission Verification Report.

A search was made of USPTO records with regard to facsimile transmissions received on June 6, 2007. The original submission was located. The Office apologizes for misplacing the original submission and for the delay in processing.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

Due to the time delay from the original submission to present, the USPTO believes it is prudent to request updated credit card information to be used in conjunction with charging the issue fee. Therefore, petitioner is given ***two months*** from the mailing of this decision for which to supply updated credit card information.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark A. Navarre
P.O. Box 537
Urbana, Ohio 43078

In re Application of	:	
Mitchell R. Herman	:	**DECISION ON PETITION**
Application No. 11/599,072	:	
Filed: 11/14/2006	:	
Attorney Docket No. **HRM-011**	:	

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 C.F.R 1.81 (a), received in the United States Patent and Trademark Office (USPTO) July 16, 2007.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed March 07, 2007 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on July 3, 2007.

Petitioner states that the issue fee transmittal and payment were timely transmitted via facsimile on June 6, 2007. Petitioner submitted a copy of the original submission, a copy of the cover sheet used to transmit the document and a Transmission Verification Report.

A search was made of USPTO records with regard to facsimile transmissions received on June 6, 2007. The original submission was located. The Office apologizes for misplacing the original submission and for the delay in processing.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

The previous petition decision requested that petitioner supply updated credit card information. This request is withdrawn as the issue fee was charge to the authorized credit card on 07/19/07.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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DEC 3 1 2007

TECHNOLOGY CENTER 3600

Peter K. Trzyna, Esq.
P. O. Box 7131
Chicago, IL 60680

In re application of
Richard A. Graff
Application No. 11/599,086
Filed: November 14, 2006
For: COMPUTER SYSTEM TO GENERATE FINANCIAL ANALYSIS OUTPUT

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This is a decision on the petition filed on December 17, 2007 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on December 17, 2007, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 12/30/07

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Roger D. Greer
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago IL 60606

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MAR 01 2010

In re Application of	:	
Theodore S. Wilmot et al.	:	
Application No. 11/599,103	:	NOTICE
Filed: November 14, 2006	:	
Attorney Docket No. **2324.68594**	:	

This is a notice regarding your request filed December 18, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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XILINX, INC
ATTN: LEGAL DEPARTMENT
2100 LOGIC DR
SAN JOSE, CA 95124

Mail Date: 04/21/2010

Applicant	: Peter H. Alfke	: DECISION ON REQUEST FOR
Patent Number	: 7667500	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,113	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **164** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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SONOSITE, INC. / FULBRIGHT & JAWORSKI, L.L.P.
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201

COPY MAILED

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OFFICE OF PETITIONS

In re Application of	:
Little et al.	:
Application No. 11/599,120	: DECISION GRANTING PETITION
Filed: November 14, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 65744/P015CP1/10610215	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 9, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/925,114, filed August 24, 2004, as set forth in the amendment and the Application Data Sheet filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A reference to add the prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. Application No. 10/925,144 was referenced in the first sentence of the specification upon filing, and the amendment submitted with the instant petition

reference Application No. 10/925,114. Therefore, the incorporation by reference sentence included in the amendment is not proper for Application No. 10/925,114. However, the Office will accept the priority claims as shown in the Application Data Sheet also filed with the instant petition.

Therefore, the petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional applications has been included in an Application Data Sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 2614 for appropriate action on the amendment filed July 9, 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Liana Walsh

Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/599,120	11/14/2006	2614	1000	65744/P015CP1/10610215	20	3

CONFIRMATION NO. 2120

CORRECTED FILING RECEIPT

91502
SonoSite, Inc. / Fulbright & Jaworski, L.L.P.
2200 Ross Avenue
Suite 2800
Dallas, TX 75201

OC000000038496111

Date Mailed: 10/28/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Blake W. Little, Bothell, WA;
Lee Dunbar, Bothell, WA;

Assignment For Published Patent Application

SonoSite, Inc., Bothell, WA

Power of Attorney: The patent practitioners associated with Customer Number 000029053

Domestic Priority data as claimed by applicant

This application is a CIP of 10/925,114 08/24/2004

Foreign Applications

If Required, Foreign Filing License Granted: 12/05/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/599,120**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Ultrasonic transducer having a digital interface

Preliminary Class

381

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WESTMAN, CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3319

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Frank D. Werner, et al.	:	
Application No. 11/599,131	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. O28.12-0051	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 19, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Frank D. Werner. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 12-07

Paper No: __

BRADLEY D. GOLDIZEN
505 SOUTH INDEPENDENCE BOULEVARD, SUITE 102
VIRGINIA BEACH VA 23452

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OFFICE OF PETITIONS

In re Application of
Battle :
Application No. 11/599,144 : DECISION ON PETITION
Filed: 4 January, 2007 :
Attorney Docket No. BATT-301-06 :

This is a decision on the petition filed on 4 January, 2007, and considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 14 November, 2006

On 8 December, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items—to wit: "Figs. 6A and 6B, described in the specification"—thus, the application had been accorded a filing date without those figures/drawings.

OIPE indicated that Petitioner might:

- contend via petition that Figs. 6A and 6B, described in the specification, had been submitted on deposit and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the specification; or

- submit Figs. 6A and 6B, described in the specification, and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 4 January, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of Figs. 6A and 6B, described in the specification, and acknowledges therein that the figures were omitted on deposit, and explicitly: requesting: "Please afford the application the date of this filing." (Emphasis supplied.)

ANALYSIS

A search of the official file reveals that:

- on 14 November, 2006, Petitioner deposited the instant application;

- the Office record reflects that Figs. 6A and 6B, as described in the specification, were missing upon deposit.

- there is no date-stamped receipt card evidencing the presence of Figs. 6A and 6B, as described in the specification on deposit, and Petitioner acknowledges that they were not present on deposit.

Petitioner submitted Figs. 6A and 6B, as described in the specification with the instant petition on 4 January, 2007, and explicitly accepted that date as the date of the application

Accordingly, the application, including Figs. 6A and 6B, as described in the specification, are entitled to a filing date of 4 January, 2007.

The Notice mailed on 8 December, 2006, was sent not sent in error and will not be disturbed.

CONCLUSION

The petition is **granted** in that Petitioner has petitioned to accept the later filing date of 4 January, 2007, as the filing date of the entire application.

This application is released to OIPE for further processing with a filing date of 4 January, 2007, for the entire application including Figs. 6A an 6B, as described in the specification, with pages 1 – 17 of the specification (description, claims, abstract), and 6 sheets of drawings, as described in the specification, using:

- **pages 1 – 17 of the specification (description, claims, abstract) and 5 sheets of drawings deposited on 14 November, 2006; and**
- **(1 sheet of drawings) Figs. 6A and 6B, as described in the specification deposited on 4 January, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 4 January, 2007, and reflecting therein that 17 pages of specification (description, claims, abstract) and 6 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Edhi Sutjahjo	: DECISION ON REQUEST FOR
Patent Number	: 7587691	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,145	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **163** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Stephen E. Feldman, P.C.
Suite 701
12 East 41st Street
New York NY 10017

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In re Application of
Steven Summer
Application No 11/599,146.
Filed: November 14, 2006
For: METHOD FOR IMPLEMENTING RADIATION HARDENED, POWER EFFICIENT, NON ISOLATED LOW OUTPUT VOLTAGE DC/DC CONVERTERS WITH NON-RADIATION HARDENED COMPONENTS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 8, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 9, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawings, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/599,155	11/14/2006	2183	1330	SONYJP 3.0-1264	12	4

CONFIRMATION NO. 1101

UPDATED FILING RECEIPT

OC000000023045680

530
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

Date Mailed: 03/22/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Atsushi Mae, Kanagawa, JAPAN;

Assignment For Published Patent Application

Sony Corporation, Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **000530**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN P2005-329723 11/15/2005

If Required, Foreign Filing License Granted: 12/04/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/599,155

Projected Publication Date: 06/28/2007

Non-Publication Request: No

Early Publication Request: No

Title

Information processing device, image pickup device, information processing method and computer program

Preliminary Class

712

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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THOMAS J. PERKOWSKI, ESQ., PC
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STANFORD CT 06902

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of
Richard TARGETT, et al
Application No. 11/599,158
Filed: November 16, 2006
Attorney Docket No. 117-006USA000

DECISION ON PETITION

This is a decision on the petition, filed August 21, 2009, under the unintentional provisions of 37 CFR 1.137(b), which is being treated as a petition under 37 CFR 1.8(b).

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 22, 2009, which set a three (3) month shortened statutory period for reply.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

A review of the Office record indicates the response to the Office action mailed January 22, 2009, was received by the Office on July 27, 2009, with a certificate of mailing date of July 22, 2009. Accordingly, the response filed July 27, 2009 is sufficient to meet the requirements of 37 CFR 1.8(b).

Telephone inquiries concerning this decision should be directed to Diane C. Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3696 for appropriate action in the normal course of business on the reply of July 27, 2009.

Thurman K. Page

Thurman K. Page
Petitions Examiner
Office of Petitions

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SCHWEGMAN, LUNDBERG
& WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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SEP 0 5 2007

OFFICE OF PETITIONS

In re Application of
Gregor ADRIANY, et al
Application No. 11/599,177
Filed: November 14, 2006
Attorney Docket No. 600.6700US2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, P.A. has been revoked by the assignee of the patent application on June 20, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquires concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: GLENN M. SEAGER
CROMPTON SEAGER TUFTE LLC
1221 NICOLLET AVENUE, SUITE 800
MINNEAPOLIS, MN 55403-2420

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,177	11/14/2006	Gregor Adriany	1288.1107102

CONFIRMATION NO. 9616

OC000000025534412

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 08/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/20/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

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Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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MAR 06 2009

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Stefan Knappe :
Application No. 11/599,214 :
Filed: November 14, 2006 :
Attorney Docket No. W-180Q :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 6, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 27, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed August 27, 2007. An improper Request for Continued Examination (RCE) was filed on November 27, 2007. A Notice of Improper Request for RCE was mailed on December 13, 2007. Accordingly, the date of abandonment of this application is July17, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

As to item (1), petitioner has submitted a certified copy of a foreign priority application. However, since this application was abandoned for failure to submit a proper reply to the Notice of Allowance a reply must also include the issue and publication fees. 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. Therefore, the filing of a continuing application

without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to pay the issue fee or any portion thereof.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of
Knappe
Application No. 11/599,214
Filed: November 14, 2006
Attorney Docket No. W-180Q

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed October 15, 2007. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). An incomplete reply in the form of an improper RCE without a submission pursuant 37 CFR 1.114 was submitted on November 27, 2007. Accordingly, this application became abandoned on January 16, 2008. A Notice of Abandonment was mailed on July 14, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue and publication fees of $1810, RCE and certified priority document, (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Petitioner is advised that the issue fee paid on April 1, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2839 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the submission in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Michael J. Stricker
103 East Neck Road
Huntington, New York

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Takata et al. :
Application No. 11/599,222 :
Filed: November 13, 2006 :
Attorney Docket No. 16869K-103310US :

DECISION ON PETITION

This is a decision on the petition, filed September 1, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely respond to the Notice of Allowance and Fees Due of April 28, 2009, which set a three (3) month statutory period for reply. Accordingly, a reply was due on or before July 29, 2009.

Petitioner asserts that the Notice of Allowance dated April 28, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Item(s) (1) has not been satisfied.

As to item (1), petitioner has failed to provide a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.

Petitioner has submitted the docket report of the law firm, which is being treated as the master docket.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of Allowance April 28, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building

401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Takata et al.	:	
Application No. 11/599,222	:	DECISION ON PETITION
Filed: November 13, 2006	:	
Attorney Docket No. 16869K-103310US	:	

This is a decision on the renewed petition, filed November 18, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance and Fees Due of April 28, 2009, which set a three (3) month statutory period for reply. Accordingly, a reply was due on or before July 29, 2009.

Petitioner asserts that the Notice of Allowance dated April 28, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office

> action. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In light of the submission of the issue and publication fees, re-mailing of the Notice of Allowance and Notice of Allowability is not required.

This application is being referred to the Office of Data Management for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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TRASK BRITT, P.C./ MICRON TECHNOLOGY
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

JUL 30 2009

OFFICE OF PETITIONS

In re Application of :
Leonard E. MESS, et al. :
Application No. 11/599,223 :
Filed: November 13, 2006 :
Attorney Docket No. **2269-4587.3US (00-0838.03** :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 17, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Gary M. Silvers	: DECISION ON REQUEST FOR
Patent Number	: 7625966	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,239	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Pradip G. Parikh	: DECISION ON REQUEST FOR
Patent Number	: 7618006	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,245	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **400** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/599,261	11/10/2006	3735	1130	K036-5904	7	16	1

CONFIRMATION NO. 2716

UPDATED FILING RECEIPT

OC000000021734284

BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Date Mailed: 12/26/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Atsushi Kakuuchi, Hamamatsu-shi, JAPAN;
Kazunori Matsumura, Hamamatsu-shi, JAPAN;
Takayoshi Suzuki, Hamamatsu-shi, JAPAN;
Yutaka Mizukusa, Tokyo, JAPAN;
Tadashi Ichihashi, Tokyo, JAPAN;

Power of Attorney:

Van Wilks--25027
Bruce Adams--25386
Franco De Liguori--36497

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/599,261

Projected Publication Date: 05/15/2008

Non-Publication Request: No

Early Publication Request: No

Title

Ophthalmologic examination apparatus

Preliminary Class

351

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 05/21/2010

Applicant	: Min Gi Cho	: DECISION ON REQUEST FOR
Patent Number	: 7670115	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/599,285	: OF WYETH
Filed	: 11/15/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Wataru Nagatomo	: DECISION ON REQUEST FOR
Patent Number	: 7615746	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,343	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **393** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WENDEROTH, LIND & PONACK LLP
2033 K STREET NW
SUITE 800
WASHINGTON, DC 20006

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OCT 24 2007

OFFICE OF PETITIONS

In re Application of	:
Hiroshi Sakoh et al	:
Application No. 11/599,353	: DECISION GRANTING PETITION
Filed: November 15, 2006	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2006_1901	:

This is a decision on the petition, filed October 22, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 11, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment.*

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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APR 16 2010

OFFICE OF PETITIONS

In Re application of
Russell J. Hemley et al.
Application No. 11/599,361
Filed: November 15, 2006
Attorney Docket No. 056100-5059

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed October 1, 2009 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that continuation papers filed September 11, 2009 be expunged from the record. Petitioner states the document was erroneously filed in the wrong case and does not pertain to the above identified patent application. The petition fee of $130 as authorized by petitioner is for petition fees under 37 CFR 1.17(h), however the fee for a petition under 37 CFR 1.59(a) is $200 as required under 37 CFR 1.17(g). The additional $70 has been charged to petitioner's deposit account.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a continuing application.

The expunged material has been removed from the official file.

The application is currently abandoned.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
Hiroki IWAHARA et al.	:	
Application No. 11/599,370	:	DECISION ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No. **04329.4038**	:	

This is a decision on the petition, filed June 11, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Office action mailed September 08, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, the case became abandoned December 09, 2008.

Petitioner asserts that the Office action dated September 08, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at 571-272-4231.

This application is being referred to the Technology Center technical support staff of Art Unit 2163 for re-mailing the Office action of September 08, 2008. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

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STERNE, KESSLER, GOLDSTEIN & FOX
P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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APR 0 4 2007

OFFICE OF PETITIONS

In re Patent of	:	
Sorrells et al.	:	
Application No. 11/599390	:	DECISION
Filing or 371(c) Date: 11/15/2006	:	ON PETITION
Title of Invention:	:	
SYSTEMS AND METHODS OF RF POWER	:	
TRANSMISSION, MODULATION, AND	:	
AMPLIFICATION, INCLUDING	:	
CARTESIAN 4-BRANCH EMBODIMENTS	:	

This is a decision on the Petition Under 37 C.F.R. 1.53(e)(2) to Accept Missing Page in a Nonprovisional Application, filed January 4, 2007, requesting the application be accorded a filing date of November 15, 2006, including Figure 4 described in the specification.

The petition is **granted**.

Background

The application was filed on November 15, 2006. On December 11, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 4 described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that Figure 4 described in the specification was included with the application on November 15, 2006. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* Figure 4 by this Office on November 15, 2006.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of Figure 4, filed with the instant petition, will be used for examination purposes.

The petition fee has been refunded to deposit account 19-0036 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 15, 2006, and an indication that Figure 4 described in the specification was included with the application papers filed on November 15, 2006, using the copy of Figure 4 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

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APR 2 2 2009

OFFICE OF PETITIONS

In re Application of
Jin-Kook Kim, et al.
Application No. 11/599,434
Filed: November 15, 2006
Attorney Docket No. SEC.1788

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 19, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 22, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed September 22, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 23, 2008. A Notice of Abandonment was mailed on January 15, 2009. On February 19, 2009 the present petition was filed. .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,510 issue fee and $300 publication fee; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/599,451	11/15/2006	Hideyuki Kobayashi	1000409-000225	2512

7590 08/24/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
FLEMING, FAYE M

ART UNIT	PAPER NUMBER
3616	

NOTIFICATION DATE	DELIVERY MODE
08/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/21/2009 BPOWELL
11/16/2006 WABDELRI 00000053 11599451
02 FC:1111 -500.00 OP

Adjustment date: 08/21/2009 BPOWELL
11/16/2006 WABDELRI 00000053 11599451
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

In re Application of	:	
GRANT	:	
Application No. 11/599,459	:	DECISION ON PETITION
Filed: November 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 27158.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the inventor Geoffrey L Grant, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3654 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1825 EYE STREET, NW
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Jon Daley	: DECISION ON REQUEST FOR
Patent Number	: 7663133	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,471	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/599,486	11/15/2006	Jong-hwa Won	Q97163	2981

7590 05/01/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
POON, KING Y

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/01/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Repin. Ref: 05/04/2009 BPOWELL 0016422800
DA#:194880 Name/Number:11599486
FC: 9204 $1750.00 CR

Adjustment date: 05/04/2009 BPOWELL
11/16/2005 ZJOHARI 00000029 11599486
02 FC:1111 -500.00 OP
04 FC:1201 -1200.00 OP
05 FC:1202 -50.00 OP

FORM PET651G (Rev. 08/07)

Reoln. Ref: 05/04/2009 BPOWELL 0016422800
DAH:194880 Name/Number:11599486
FC: 9204 $1750.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COSTELLO LAW CORPORATION
331 J STREET, SUITE 200
SACRAMENTO CA 95814

COPY MAILED

MAR 1 4 2008

OFFICE OF PETITIONS

In re Application of

JONES, Anthony et al.
Application No. 11/599,495
Filed: November 2006
Attorney Docket No. **2005-115C**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John Costello on behalf of all attorneys of record who are associated with customer No. 38382. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Anthony Jones at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **ANTHONY JONES**
1660 UNION STREET
SAN DIEGO, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COSTELLO LAW CORPORATION
331 J STREET, SUITE 200
SACRAMENTO, CA 95814

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FEB 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Anthony JONES, et al	:	
Application No. 11/599,498	:	DECISION ON PETITION
Filed: November 13, 2006	:	TO WITHDRAW
Attorney Docket No. 2005-115D	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 17, 2007.

The request is **APPROVED**.

A review of the file record indicates that John P. Costello: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, John P. Costello has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will be directed to the first signing inventor at the address copied below.

Applicant is reminded that there is no attorney of record at this time.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT CAMPBELL
15009 RIO CIRCLE
RANCHO MURIETA, CA 95683

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,498	11/13/2006	Anthony Jones	2005-115D

CONFIRMATION NO. 2781

POWER OF ATTORNEY NOTICE

38382
Costello Law Corporation
331 J STREET, SUITE 200
SACRAMENTO, CA 95814

OC000000028567747

Date Mailed: 02/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 04/21/2010

Applicant	: Arkady Akselrod	: DECISION ON REQUEST FOR
Patent Number	: 7624360	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,524	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Hiroshi Shiohara	: DECISION ON REQUEST FOR
Patent Number	: 7594653	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,525	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **197** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/599,538	11/14/2006	2836	500	36846.006	6	12	3

CONFIRMATION NO. 2831

CORRECTED FILING RECEIPT

OC000000022024047

Mark D. Bowen
Stearns Weaver Miller, et al.
Suite 2100
200 East Las Olas Boulevard
Fort Lauderdale, FL 33301

Date Mailed: 01/17/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

William Fondriest, Deland, FL;

Power of Attorney: The patent practitioners associated with Customer Number **27324**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/693,801 10/24/2003 PAT 7,135,790

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Modular electrical harness for military vehicles adapted with the multiple integrated laser engagement system

Preliminary Class
307

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject

matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
DAVID REID COREY ET AL. :
Patent No. 7,709,456 :
Issued: May 4, 2010 :
Application No. 11/599,566 :
Filed: November 13, 2006 :
Attorney Docket No. **UTSD:1721US/10900729** :

NOTICE

This is a notice regarding your request filed May 3, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY
STE 1500
ATLANTA, GA 30339

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Donald Warren	:	
Application No. 11/599,569	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. 740305-1010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "[w]e are no longer retained to prosecute this application," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Donald Warren
61 Maple Valley Drive
Carrollton, GA 30116

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas, Kayden, Horstemeyer & Risley, LLP
600 Galleria Parkway, S.E.
Ste. 1500
Atlanta, GA 30339-5994

MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
Donald Warren :
Application No. 11/599,569 : DECISION ON PETITION
Filed: November 14, 2006 : TO WITHDRAW
Attorney Docket No. 740305-1010 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 29, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Thomas, Kayden, Horstemeyer & Risley, LLP has been revoked by the applicant of the patent application on August 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Adams & Wilks
17 Battery Place
Suite 1231
New York, NY 10004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

MAILED

MAR 24 2009

OFFICE OF PETITIONS

In re Application of :
Lensky :
Application No. 11/599,624 : DECISION ON PETITION
Filed: November 15, 2006 :
Atty. Dkt. No.: T4224-11601US01 :

This is a decision on the petition under 37 CFR 1.137(a) filed March 4, 2009.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the small entity fee required by law currently is $270.00. Petitioner has submitted $255.00.

The instant petition is not accompanied by the required fee. Accordingly, the petition has not been addressed on the merits.

Any renewed petition must be accompanied by the required petition fee.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: DENNIS CLARKE
7422 Old Maple Square
McLean VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dennis Clarke
7422 Old Maple Square
McLean VA 22102

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Lensky :
Application No. 11/599,624 : DECISION ON PETITION
Filed: November 15, 2006 :
Atty. Dkt. No.: T4224-11601US01 :

This is a decision on the renewed petition under 37 CFR 1.137(a) filed June 30, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned November 3, 2008 for failure to timely reply to the restriction requirement mailed October 2, 2008. The restriction requirement set a one month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed February 23, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

As to item (2), the petition fee is a requirement for treatment on the merits of any petition submitted under 37 CFR 1.137(a). Thus, the request for refund of the fee is **DISMISSED**.

The instant petition fails to satisfy requirement (3) set forth above.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been

"unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner argues that the Power of Attorney filed October 19, 2007 requested that the examiner change the correspondence address for the instant application to Dennis P. Clarke (Reg. 22549) at 7422 Old Maple Sq.; McLean, VA 22102. Petitioner states that the restriction requirement mailed October 2, 2008 is addressed to Miles & Stockbridge; 1751 Pinnacle Dr.; McLean, VA 22102. Petitioner asserts that the Notice of Abandonment mailed February 23, 2009 states that the application became abandoned for failure to respond to the restriction requirement mailed October 2, 2008.

Thus, petitioner attributes the abandonment of the application to the Office's failure to direct the restriction requirement to the proper correspondence address.

Where an application becomes abandoned as a consequence of a change of correspondence address, an adequate showing of "unavoidable" delay requires a showing that due care was taken to adhere to the requirement for prompt notification of the change of address and must include an adequate showing that a timely notification of the change of address was filed in the application concerned in a manner reasonably calculated to call attention to the fact that it was a notification of change of address. See, MPEP 711.03(c).

The restriction requirement was properly mailed to the correspondence address of record. Practitioner did not file a power of attorney in the instant application until June 30, 2009. On October 19, 2007, applicant's prior counsel, Edward J. Kondracki, filed a REQUEST FOR WITHDRAWAL AS ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS. As clearly stated on the form, and, moreover, at MPEP 402.06, a request for withdrawal as attorney is effective when approved rather than when filed. The request for withdrawal as attorney was not approved prior to the time of mailing of the restriction requirement. Moreover, practitioner herein did not himself properly submit a power of attorney/change of correspondence address prior to the mailing of the restriction requirement. In view thereof, the failure to timely submit a proper reply to the restriction requirement cannot be found unavoiadable.

Any renewed petition must be accompanied by evidence to sufficiently establish that the entire period of delay in responding to the restriction requirement was unavoidable.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply. See, enclosed.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,624	11/15/2006	Vasily Lensky	T4224-11601US01

CONFIRMATION NO. 1529

POA ACCEPTANCE LETTER

Dennis Clarke
7422 Old Maple Square
McLean, VA 22102

OC000000038006774

Date Mailed: 09/28/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/30/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ambrown/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,624	11/15/2006	Vasily Lensky	T4224-11601US01

CONFIRMATION NO. 1529

POWER OF ATTORNEY NOTICE

181
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

OC000000038006710

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/30/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/ambrown/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BUCHANAN INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED

APR 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Tzong-Fu Lin	:	
Application No. 11/599,632	:	ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No. BHT/3107-202	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2010, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed on February 20, 2009. A Notice of Abandonment was mailed September 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address filed on January 19, 2010 has been accepted and made of record. A courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, all future correspondence will mailed to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 3634 for review of the amendment filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Tzong-Fu Lin
11/F, 21, Sec. 6, Chung Hslao E. Road
Taipei, TAIWAN

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,632	11/15/2006	Tzong-Fu Lin	BHT/3107-202

CONFIRMATION NO. 1537

23464
BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

POA ACCEPTANCE LETTER

OC000000040825708

Date Mailed: 03/26/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/19/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JOE MCKINNEY MUNCY
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FAIRFAX VA 22038-1364

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of	:
Chao et al.	:
Application No. 11/599,634	: DECISION GRANTING
Filed: 15 November, 2006	: PETITION
Attorney Docket No. 3722-0145PUS2	:

This is a decision in reference to the paper styled "PETITION UNDER 37 CFR §1.53(e)" filed on 15 February, 2007. In view of the relief requested, the paper is treated as a petition under 37 CFR 1.182 requesting that (1) the application papers deposited 15 November, 2006, taken together with the papers which accompany the present petition, be accepted as a complete application, and (2) that the application be accorded a filing date of 15 November, 2006.

The petition is before the Office of Petitions of the United States Patent and Trademark Office.

The petition is **GRANTED**.

The application was deposited on 15 November, 2006, as a reissue application for broadening the claims of U.S. Patent No. 6,829,295 B2. The application as deposited did not include a copy of the specification or drawings. On 15 December, 2006, Initial Patent Examination Division mailed a Notice of Incomplete Reissue Application, stating that the application was missing the specification and drawings. The Notice further stated that the filing date of the application would be the date that a specification and the drawings were received. A two (2) month period for reply was set. In response, on 15 February, 2007, petitioner filed, *inter alia*, a copy of U.S. Patent No. 6,829,295 B2.

A filing date of 15 November, 2006, is requested based on the deposit of application papers made on that date. As this is an application for reissue, the content of the specification and drawings, and its timeliness for filing, are not in question and were not in question on the date of deposit. This is so, even though the deposited application papers did not contain the specification and the drawings.

Therefore, on petition under 37 CFR 1.182, the Commissioner may excuse the delay in supplying the omitted specification and drawings, and accord the application, including the specification and drawings, the requested filing date.

Since the present petition was necessitated by petitioner's error in not supplying a copy of the original patent specification and drawings on filing, a petition fee of $400 is required, and has been charged to Deposit Account No. 02-2448, as authorized.

CONCLUSION

1. The petition is GRANTED under 37 CFR 1.182.

2. The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 15 November, 2006, using (1) the application papers filed on that date and (2) the specification and drawings of U.S. Patent No. 6,829,295 B2 that are supplied with the present petition.

3. A petition fee of $400 has been charged to Deposit Account No. 02-2448, as authorized.

4. Telephone inquiries related to this decision should be directed to Cliff Congo at (571)272-3207.

5. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (703) 305-9282.

/Kenneth M. Schor/

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

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INTEL/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Mail Date: 05/17/2010

Applicant	: Yuegang Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7629639	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/599,643	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **184** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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NOV 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Norman Lefton	:	
Application No. 11/599,650	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. 58783/L506	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 29, 2007.

The request is **APPROVED**.

A review of the file record indicates that Christie, Parker & Hale LLP: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Christie, Parker & Hale, LLP have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence address of record has been accepted. All future communications from the Office will be directed to the first copied address below until otherwise properly notified by the applicant.

Applicant is reminded that there is no attorney of record at this time.

There are no pending Office actions at the present time.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: NORMAN LEFTON
1140 BROOKLAWN DRIVE
LOS ANGELES, CA 90077

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,650	11/14/2006	Norman Lefton	58783/L506

CONFIRMATION NO. 3688

POWER OF ATTORNEY NOTICE

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

OC000000026886866

Date Mailed: 11/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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WIlliam C. Fuess
10951 Sorrento Valley Road, Suite 2G
San Diego CA 92121-1613

MAILED
JUL 17 2009
OFFICE OF PETITIONS

In re Application of

Norman Lefton

Application No. 11/599,650

Filed: November 14, 2006

Attorney Docket No.

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned on August 20, 2008, for failure to reply in a timely manner to the non-final Office action, mailed May 29, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date.

The amendment filed June 19, 2009, is noted.

The application is being forwarded to Technology Center 3700, GAU 3715 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 04/20/2010

Applicant	: Frederik Petre	: DECISION ON REQUEST FOR
Patent Number	: 7623571	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DANIEL L. DAWES
MYERS DAWES ANDRAS & SHERMAN LLP
SUITE 1150
19900 MACARTHUR BOULEVARD
IRVINE CA 92612

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OFFICE OF PETITIONS

In re Application of

GEORGE, Steven C. et al.
Application No. 11/599,684
Filed: November 14, 2006
Attorney Docket No. **UC1.PAU.07A**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Joseph Andras on behalf of all attorneys of record who are associated with customer No. 23386. All attorneys/agents associated with the Customer Number 23386 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Steven George at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **STEVEN C. GEORGE**
10 MCCLINTOCK
IRVINE CA 92612

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

MAILED

JUN 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Gillies et al.	:	
Application No. 11/599,687	:	ON APPLICATION FOR
Filed: November 15, 2006	:	PATENT TERM ADJUSTMENT
Atty Docket No. LEX-023DV	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154 AND 37 CFR § 1.705(b), filed April 27, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is seven hundred twenty-two (722) days[1], not four hundred sixty-eight (468) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office

[1] This calculation is based on a projected publication date of August 10, 2010.

can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee[2].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

[2] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

Mail Date: 04/20/2010

Applicant	: Andrei Mihnea	: DECISION ON REQUEST FOR
Patent Number	: 7639530	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,701	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KILPATRICK STOCKTON LLP
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WINSTON-SALEM, NC 27101

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JUN 21 2010

OFFICE OF PETITIONS

In re Application of
Jeffrey J. DIGIOVANNI, et *al.*
Application No. 11/599,719
Filed: November 14, 2006
Attorney Docket No. **56910/325073**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Charles W. Calkins on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JEFFREY J. DIGIOVANNI, PH.D.**
43 PLEASANT VIEW DRIVE
ATHENS, OH 45701

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WINSTEAD PC
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DALLAS, TX 75201

Mail Date: 04/21/2010

Applicant	: Chengzhi Cai	: DECISION ON REQUEST FOR
Patent Number	: 7637960	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,726	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **431** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Pennock et al.	:	DECISION ON PETITION
Application No. 11/599,732	:	TO WITHDRAW
Filed: November 15, 2006	:	FROM RECORD
Attorney Docket No. P06065US HI	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 6, 2009 the power of attorney to Brinks Hoffer Gilson & Lione was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills CA 91344

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OFFICE OF PETITIONS

In re Application of	:	
MC CLELLAN, W. Thomas	:	
Application No. 11/599,745	:	DECISION ON PETITION
Filed: November 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. TMF-8916	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the driver's license of inventor William T. McClellan, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2837 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

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OFFICE OF PETITIONS

In re Application of
Cameron Thomas Lange
Application No. 11/599,770
Filed: November 14, 2006
Attorney Docket No. 66578-0007

: DECISION DISMISSING PETITION

This is a decision on the petition filed January 25, 2007, under 37 CFR 1.182, requesting a correction to the filing receipt. The petition is treated under 37 CFR 1.10(d) as a petition to accord a filing date of November 15, 2006, instead of the presently accorded filing date of November 14, 2006.

Petitioners request the later filing date on the basis that the application was purportedly deposited in Express Mail service on November 15, 2006, pursuant to the requirements of 37 CFR 1.10(d). Specifically, petitioners are implying that the "date-in" of November 14, 2006, was incorrectly entered by the USPS.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing

[1] See 37 CFR 1.6(a).

date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

The petition lacks the showing required by item (3) above. The express mail label provided has a date-in of November 14, 2006. Petitioners have not presented sufficient corroborating evidence that the correspondence was deposited in Express Mail service prior to the last scheduled pickup for the day on November 15, 2006. If the error was due to the USPS entering the wrong date on the Express Mail label, petitioners should request a letter from the USPS stating that the correct date of deposit is November 15, 2006, and explaining why the error occurred. Additionally, petitioners may provide evidence that came into being after deposit and within one business day of deposit of the application in Express Mail. Such evidence may include a mail log with an entry made after the application was deposited in Express Mail, or a letter to the client sent after the mailing of the application confirming the mailing of the application.

Accordingly, the petition is **DISMISSED**.

This matter is being referred to Technology Center 3748 for examination in due course but with the presently accorded filing date of November 14, 2006.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Cameron Thomas Lange
Application No. 11/599,770
Filed: November 15, 2006
Attorney Docket No. 66578-0007

: DECISION GRANTING PETITION

This is a decision on the request for reconsideration filed May 11, 2007 under 37 CFR 1.182, requesting that the above-identified application be accorded a filing date of November 15, 2006 rather than the presently accorded filing date of November 14. 2006. The petition is being treated under 37 CFR 1.10.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on November 15, 2006, pursuant to the requirements of 37 CFR 1.10.

A petition filed January 25, 2007, treated under 37 CFR 1.10(d), was dismissed in a decision mailed March 30, 2007 because petitioners failed to show that the application had been deposited in the USPS Express Mail Service on November 15, 2006.

Petitioners argue that they inadvertently handwrote the date of the deposit as November 14, 2006 but that the application was actually deposited with the USPS on November 15, 2006. In support, petitioners have provided a copy of Express Mail receipt No. EV664665680US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file) as well as an email from the USPS Track & Confirm Database which confirms that the package bearing Express Mail receipt No. EV664665680US was accepted on November 15, 2006 at 4:45pm. If the package was accepted on November 16, 2006 it would stand to reason that it was deposited on November 15, 2006. In view thereof, it is concluded that the correct date of deposit in Express Mail service is November 15, 2006.Therefore, the application is entitled to a filing date of November 15, 2006.

In view of the evidence present in the file, it is concluded that the correct date of deposit in Express Mail service is November 15, 2006 and thus is entitled to a filing date of November 15, 2006.

The petition is GRANTED. The petition fee in the amount of $130.00 will be refunded to deposit account no. 18-0013.

This matter is being referred to the Office of Initial Patent Examination for a correction of the filing date to November 15, 2006, not November 14, 2006, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Brent T. Winder, Jones Waldo Holbrook & McDonough
Suite 1500
170 South Main Street
Salt Lake City UT 84101-1644

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OFFICE OF PETITIONS

In re Application of :
William Car Servoss :
Application No. 11/599,793 :
Filed: November 15, 2006 :
Attorney Docket No. 17508.0001 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, William Car Servoss declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri William at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

Mail Date: 04/21/2010

Applicant	: Adam Yates	: DECISION ON REQUEST FOR
Patent Number	: 7658220	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,805	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **338** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Patrick H. Ruane

Application No. 11599859

Filed: November 15,2006

Attorney Docket No. 8627/1480 (PA-5105-CIP4-C

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-MAR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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EXXONMOBIL CHEMICAL COMPANY
LAW TECHNOLOGY
P. O. BOX 2149
BAYTOWN, TX 77522-2149

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OFFICE OF PETITIONS

In re Application of	:	
Michael C. Clark et al	:	
Application No. 11/599,864	:	DECISION GRANTING
Filed: November 15, 2006	:	PETITION
Attorney Docket No. 2006EM167	:	

This is a decision on the petition filed May 16, 2007, requesting that the above-identified application be accorded a filing date of November 15, 2006 rather than the presently accorded date of November 16, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on November 15, 2006 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV804320982US bears a handwritten "date-in" of November 16, 2006, it also includes a USPS receipt date stamp of November 15, 2006. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service (USPS) error and the correct date of mailing pursuant to 37 CFR 1.10 is November 15, 2006. The same Express Mail label number also appears on the original application transmittal letter of record in the file. Petitioner has also submitted a copy of his log of Express Mail delivered to the USPS showing a date stamp by the USPS of November 15, 2006 and a copy of a USPS Track & Confirm record showing that the Express Mail package at issue was accepted on November 15, 2006.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on November 15, 2006. Accordingly, this application is entitled to a filing date of November 15, 2006, and has been so accorded.

In view of the above, the petition is **GRANTED**. A Corrected Filing Receipt has been mailed under separate cover.

This application is currently before Technology Center AU 1764 for examination in due course.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, TX 77522-2149

Mail Date: 05/10/2010

Applicant	: Michael C. Clark	: DECISION ON REQUEST FOR
Patent Number	: 7649122	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/599,864	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **138** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
LEFTON, Norman	:	
Application No. 11/599,866	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. **58776/L506**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 29, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Daniel Kimbell, Constantine Marantidis, and John D. Carpenter on behalf of all attorneys of record who are associated. All attorneys/agents associated with the have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **NORMAN LEFTON**
1140 BROOKLAWN DRIVE
LOS ANGELES, CA 90077

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WIlliam C. Fuess
10951 Sorrento Valley Road, Suite 2G
San Diego CA 92121-1613

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of

Norman Lefton

Application No. 11/599,866

Filed: November 14, 2006

Attorney Docket No. 58776/L506

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned on August 30, 2008, for failure to reply in a timely manner to the non-final Office action, mailed May 29, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed December 23, 2008

The amendment filed June 19, 2009, is noted.

The application is being forwarded to Technology Center 3700, GAU 3715 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

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OFFICE OF PETITIONS

In re Application of :
Robert J. O'Leary :
Application No. 11/599,872 : DECISION ON PETITION
Filed: November 15, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 25357C :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be

construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2856 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

David Bucci
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/599,872	11/15/2006	2856	1130	25357C	14	1

CONFIRMATION NO. 3359

CORRECTED FILING RECEIPT

22889
OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

OC000000039001566

Date Mailed: 11/30/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert J. O'Leary, Newark, OH;

Power of Attorney: The patent practitioners associated with Customer Number 22889

Domestic Priority data as claimed by applicant

This application is a CIP of 10/969,427 10/20/2004 ABN
which is a CIP of 10/689,770 10/21/2003 PAT 6,928,859

Foreign Applications

If Required, Foreign Filing License Granted: 12/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/599,872**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for determining density of insulation

Preliminary Class

073

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DEBORAH MURDOCK
185 N. MAIN STREET
COLLIERVILLE TN 38017

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MAR 1 5 2007

OFFICE OF PETITIONS

In re Application of
Joel T. Ward
Application No. 11/599,876
Filed: November 15, 2006
Attorney Docket No. MUR0601

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's driver's license and Military Identification Card. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

April Wise
Petitions Examiner
Office of Petitions

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Joel Thomas Ward
6561 Karista St.
Millington, TN 38053

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MAR 2 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Joel Thomas Ward	:	
Application No. 11/599,876	:	DECISION ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No. MUR 0601	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2009, to revive the above-identified application.

This application became abandoned for failure to timely file a proper reply to the final Office action of July 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal with the $270 fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is granted.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the $270 fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 3226.

This application is being referred to Technology Center Art Unit 3744 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Andrea Smith
Petitions Examiner
Office of Petitions

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JOEL THOMAS WARD
6561 KARISTA ST.
MILLINGTON, TN 38053

MAILED

NOV 06 2009

OFFICE OF PETITIONS

In re Application of Joel Thomas Ward Application No. 11/599,876 Filed: November 15, 2006 Attorney Docket No. MUR 0601	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2009, to revive the above-identified application.

A review of the record shows that a final Office action was mailed on May 21, 2009, which set a shortened statutory period for reply of three (3) months. On July 22, 2009, a response was timely filed. Therefore since petitioner timely filed a reply on July 22, 2009, which was well within three months from the mail date of the Office action, this application is considered not abandoned.

In view of the above, the petition is **dismissed as moot**.

This application file is being referred to Technology Center Art Unit 3744 for review of the response filed on July 22, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Billy W. Ward, et al.	:	
Application No.: 11/599,879	:	ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No.: 21384-019001	:	

This is a decision on the petition, filed April 27, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2881 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SEAN P. DALEY
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of
Donald Warren
Application No. 11/599,881
Filed: November 14, 2006
Attorney Docket No. 740305-1030

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 25, 2007 and October 24, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "we are no longer retained to prosecute this application", does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DONALD WARREN
61 MAPLE VALLEY DRIVE
CARROLLTON, GA 30116

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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FEB 26 2010

In re Application of	:	
Markus Gloeckle	:	
Application No. 11/599,899	:	DECISION GRANTING PETITION
Filed: November 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 15407.0035US01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 25, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 18, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1793 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MINNEAPOLIS, MN 55440-1022

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Billy W. WARD, et al.	:	
Application No. 11/599,915	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **21384-026001**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **FISH & RICHARDSON**
225 FRANKLIN STREET
BOSTON, MA 02110

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BioTechnology Law Group
12707 High Bluff Drive
Suite 200
San Diego, CA 92130-2037

MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Mary E. Lee, et al.	:	
Application No. 11/599,939	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. LEE-1001-UT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Daniel M. Chambers on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

There is an outstanding Office action mailed June 12, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mary and Christopher Lee**
4452 W. 15th Place
Yuma, AZ 85364

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/599,939	11/14/2006	Mary E. Lee	LEE-1001-UT

CONFIRMATION NO. 3447

POWER OF ATTORNEY NOTICE

35938
BioTechnology Law Group
12707 High Bluff Drive
Suite 200
San Diego, CA 92130-2037

OC000000037277374

Date Mailed: 08/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/16/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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In re Application of	:	
Billy W. Ward, et al.	:	
Application No.: 11/599,954	:	ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No.: 21384-022001	:	

This is a decision on the petition, filed April 27, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2881 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SEAN P. DALEY
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK, NY 10036-7311

Mail Date: 04/27/2010

Applicant	: Steven Ausnit	: DECISION ON REQUEST FOR
Patent Number	: 7610662	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/599,960	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **239** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Scott A. Moskowitz
16711 Collins Avenue, #2505
Sunny Isles Beach, FL 33160

Mail Date: 04/21/2010

Applicant	: Scott A. Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7647502	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/599,964	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **640** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARMAN-BRINKS HOFER CHICAGO
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Pennock et al.	:	DECISION ON PETITION
Application No. 11/599,967	:	TO WITHDRAW
Filed: November 15, 2006	:	FROM RECORD
Attorney Docket No. P06065USU1 HI	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 26, 2009 the power of attorney to Brinks Hoffer Gilson & Lione was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills CA 91344

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PATENT DEPARTMENT
11460 JOHNS CREEK PARKWAY
DULUTH, GA 30097-1556

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OFFICE OF PETITIONS

In re Application of
Tan, Chiang, and Russell
Application No.: 11/599,968
Filed: November 15, 2006
Attorney Docket No: CL/V-34515A
For: OPTICAL INSPECTION SYSTEM

: DECISION REFUSING
: RULE 47(a) STATUS

This is a decision on the petition under 37 CFR 1.47(a) filed June 14, 2007.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on November 15, 2006, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on December 12, 2006, indicating that a proper declaration executed was required as well as a surcharge of $130.00 for the late filing of the same. On June 14, 2007, the instant petition, a request for an extension of time within the fourth month, and a statement of Martha Martin were filed.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

While it is noted that petitioner sent the complete application papers to the non-signing inventor's last known address, the petition does not establish with reasonable certainty that the address used is the most current address for the non-signing inventor. As part of the diligence requirement, petitioner must make reasonable efforts to find the most current address for the non-signing inventor and detail those efforts as part of the petition. The evidence is not convincing that diligence requirement has been satisfied. Petitioner is not required to affirmatively locate the non-signing inventor, but must demonstrate that efforts were made toward that end. Further to this point, Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent, part that:

> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as **internet searches**, **certified mail return receipts**, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement.
> The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Any renewed petition under 37 CFR 1.47(a) filed must be accompanied by evidence, such a copies of certified mail receipts signed by inventor Chiang and/or a copies of the results of a basic search for inventor Chiang on Internet residential address databases.

The fee for the instant petition is $200.00. Deposit account 50-2965 will be charged and additional $70.00, accordingly.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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11460 JOHNS CREEK PARKWAY
DULUTH, GA 30097-1556

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OFFICE OF PETITIONS

In re Application of
Tan, Chiang, and Russell
Application No.: 11/599,968
Filed: November 15, 2006
Attorney Docket No: **CL/V-34515A**
For: **OPTICAL INSPECTION SYSTEM**

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 15, 2007 (certificate of mailing dated November 8, 2007.)

The renewed petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on November 15, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing parts of Nonprovisional Application" (the "Notice") was mailed on December 12, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration, among other items. A petition under 37 CFR 1.47(a) was filed on June 14, 2007, with a request for an extension of time within the fourth month. The petition was dismissed by a decision mailed July 9, 2007. The instant renewed petition was filed on November 15, 2007, with a request for an extension of time within the second month.

Petitioner has shown that inventor Chiang has constructively refused or cannot be located to execute the declaration and join the above-identified application The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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In re Application of	:	
Billy W. Ward, et al.	:	
Application No. 11/599,973	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21384-021001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 25, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Terri Williams
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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In re Application of	:	
Billy W. WARD, et *al.*	:	
Application No. 11/599,973	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **21384-021001**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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JUN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Billy W. WARD, et *al.*	:	
Application No. 11/599,973	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **21384-021001**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 25, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Hein et al.	:	DECISION ON PETITION
Application No. 11/599,992	:	TO WITHDRAW
Filed: November 15, 2006	:	FROM RECORD
Attorney Docket: QM000025	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Slater & Matsil LLP were revoked as power of attorney by the assignee of the patent application on July 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Mail Date: 04/21/2010

Applicant	: Brian Mandt	: DECISION ON REQUEST FOR
Patent Number	: 7628280	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,011	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **67** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/27/2010

Applicant	: Katsuhisa Ishii	: DECISION ON REQUEST FOR
Patent Number	: 7585243	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,051	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **437** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/22/2010

Applicant	: Naoya Okada	: DECISION ON REQUEST FOR
Patent Number	: 7604558	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,053	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **257** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

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OFFICE OF PETITIONS

In re Application of	:	
Yamada, et al.	:	
Application No. 11/600,068	:	ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No.: 056937-0325	:	

This is a decision on the petition filed February 8, 2007, titled "Petition and Response to Notice of Omitted Item(s) in a Nonprovisional Application." Petitioner is advised that the petition will be treated under 37 CFR 1.182.

The petition is **dismissed**.

On November 16, 2006, the above-identified application was filed. However, on December 8, 2006, the Office of Initial Patent Examination mailed a Notice to of Omitted Items in Nonprovisional Application stating that application had been accorded a filing date of November 16, 2006, and advising applicant that Figures 7B and 19B as described in the specification appeared to have been omitted. The notice allowed a two-month period for reply.

In response, on February 8, 2007, applicant filed the present petition and a preliminary amendment correcting the discrepancy between the figures and the specification.

The Notice permits applicant to either: (1) promptly establish prior receipt in the Office of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted items and accept the date of such submission as the application filing date. An applicant asserting that the missing items were in fact deposited in the Office with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such omitted items and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)). Applicant may also not file a petition under option (1) or (2) above thereby constructively accepting the application as filed. If applicant elects not to respond to the Notice under (1) or (2) above, applicant must either file a preliminary amendment prior to the first action on the merits. Applicant is <u>not</u> required to file a petition to exercise this option. The petition is dismissed, accordingly.

The $400.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The original disclosure of the application will consists of those papers received on November 16, 2006.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 16, 2006.

Thereafter, the application will be forwarded to the appropriate group art unit for consideration by the examiner of the preliminary amendment filed February 8, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/600,089	11/16/2006	Shigeru Hayakawa	1033228-000111	3224

7590 11/05/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
3673	

NOTIFICATION DATE	DELIVERY MODE
11/05/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

Refund Ref:
11/04/2009 0030076368

Credit Card Refund Total: $500.00

MB Exp..: XXXXXXXXXX1806

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/21/2010

Applicant	: Naoya Okada	: DECISION ON REQUEST FOR
Patent Number	: 7648013	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,093	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **440** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

COPY MAILED

MAY 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Newcomb, et al.	:	
Application No. 11/600,120	:	ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No. 102823.58435US	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed April 9, 2007 and supplemented on April 10, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Michael A. Colabucci, has constructively refused to join in the filing of the above-identified application. The statement of facts of Attorney Michael H. Jacobs establishes that Mr. Colabucci's attonryes received, *inter alia*, a copy of the application and declaration, but their client did not return an executed declaration. Petitioner has submitted an acceptable declaration executed by the available joint inventor.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL A. COLABUCCI
8166 C ROSARYVILLE ROAD
UPPER MARLBORO, MD 20772

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Newcomb, et al. :
Application No. 11/600,120 : LETTER
Filed: November 16, 2006 :
Attorney Docket No. 102823.58435US :

Dear Mr. Colabucci:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

UNITED STATES PATENT AND TRADEMARK OFFICE

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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JUL 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard Adolfo Newcomb, et al.	:	
Application No. 11/600,120	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO WITHDRAW
Attorney Docket No. 102823.58435US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 7, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael H. Jacobs on behalf of all attorneys of record who are associated with customer No. 23911.

All attorneys/agents associated with the Customer Number 23911 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RICHARD ADOLFO NEWCOMB
9110 OMAR COURT
FAIRFAX, VA 22031

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/600,120	11/16/2006	Richard Adolfo Newcomb	102823.58435US

CONFIRMATION NO. 3327

POWER OF ATTORNEY NOTICE

23911
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

OC000000031110042

Date Mailed: 07/22/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/07/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAILED

OCT 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Takayuki Okada	:	
Application No. 11/600,137	:	DECISION GRANTING PETITION
Filed: November 16, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FPA-2006-0163-NEC-USHAC	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 9, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 12, 2009

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction for Appl. No.: ~~10/600,142~~ 11/600,142 Patent No.: 7423595B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson
Certificates of Correction Branch
703-756-1584

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Douglas K. Owen
SPE

2821
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARIA PARRISH TUNGOL
SUITE 100
211 N. UNION STREET
ALEXANDRIA, VA 22314

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AUG 18 2008

In re Application of	:	
Jae Ho Yang et al	:	
Application No. 11/600,155	:	ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No. DKC 1720.1	:	

This is a decision on the petition filed April 28, 2008 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed September 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 6, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee paid on December 31, 2007 and Publication fee paid with the petition on April 28, 2008; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RALPH A. DOWELL OF DOWELL & DOWELL P.C.
2111 EISENHOWER AVE
SUITE 406
ALEXANDRIA VA 22314

MAILED

MAR 12 2009

OFFICE OF PETITIONS

Applicant: Pavlov, et al.
Appl. No.: 11/600,180
Filing Date: November 16, 2006
Title: VALUATION METHODS, APPARATUS, MEDIA AND SIGNALS, AND METHODS RELATING TO ASSET-SECURED LOANS
Attorney Docket No.: 15591
Pub. No.: US 2008/0120225 A1
Pub. Date: May 22, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 22, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification in several equations, wherein the subscripts are missing or are incorrect.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors in the subscripts noted by requestor in the specification are not material Office errors under 37 CFR 1.221. The text was not printed correctly due to the quality of the text. The errors noted by requestor in the equations in this published application are due to the quality of the text, as the subscripts are very small. Some of the text (the subscripts) is not clear due to the size. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text with respect to the superscripts and subscripts are very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOLLAND & KNIGHT LLP
2099 PENNSYLVANIA AVE
SUITE 100
WASHINGTON DC 20006

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JUN 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 11/600,184	:	ON PETITION
Filed: November 16, 2006	:	
Title: Fine Powder of Waste Polyurethane Foam and Method of Manufacturing the Same	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee, and (3) a proper statement of unintentional delay.

As the Power of Attorney was only recently given to the petitioner, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:
Billy W. Ward et al	:
Application No. 11/600,250	: DECISION GRANTING PETITION
Filed: November 15, 2006	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 21384-023001	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 25, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

Newsome, Lamonte

From: Wells, Nikita
Sent: Thursday, May 14, 2009 4:49 PM
To: Newsome, Lamonte
Subject: RE: 11600250

The request for issuing the above-identified correction(s) is hereby approved:

From: Newsome, Lamonte
Sent: Tuesday, May 12, 2009 3:26 PM
To: Wells, Nikita
Cc: Kim, Robert
Subject: 11600250

Paper No.: _____

DATE : **5/12/09**

TO SPE OF : ART UNIT **2881**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11600250** Patent No.: **7511279 B2**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of

Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments:

/Nikita Wells/
Primary Examiner, Art Unit

2881 May 14, 2009

SPE
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

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APR 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Peter Kuo	:	
Application No. 11/600,274	:	DECISION ON PETITION
Filed: November 14, 2006	:	
Title: CABLE CONNECTOR WITH	:	
IMPROVED EMI REPRESSION	:	

This is a decision on the petition filed February 12, 2007 (the petition contains a certificate of mailing dated February 8, 2007), requesting that five sheets of drawings be accorded a filing date of November 14, 2006 as part of the original disclosure.

The application was deposited on November 14, 2006. However, on December 8, 2006, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on February 12, 2007, applicants filed the present petition. The petition is further accompanied by a copy of five sheets of drawings containing figures one through five, along with a copy of applicants' postcard receipt acknowledging receipt of "5 sheets of formal drawings" in the United States Patent and Trademark Office (Office) on November 14, 2006. Applicants request that the application, including these five sheets of drawings, be accorded a filing date of November 14, 2006.

It is noted that five sheets of drawings, containing Figures one through five, have been located in the electronic file.

Accordingly, the petition is **GRANTED**.

The notice mailed December 8, 2006 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded via the mailing of a Treasury Check in due course.

The application file is being returned to OIPE for further processing with a filing date of November 14, 2006, using the original application papers filed on that date, as well as the five sheets of drawings containing Figures one through five, submitted on November 14, 2006, and for noting in Office records that five sheets of drawings were present on filing.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

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JAN 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark A. Findeis, et. al.	:	
Application No. 11/600,290	:	DECISION GRANTING PETITION
Filed: November 14, 2006	:	
Attorney Docket No. PPI-016CP4CN4	:	

This is a decision on the petition filed on March 7, 2007, requesting that the above-identified application be accorded a filing date of November 14, 2006, rather than the presently accorded date of November 15, 2006.

Petitioner alleges that the application was deposited in Express Mail Service on November 14, 2006. In support, the petition is accompanied by a copy of Express Mail label No. EV956455838US, which bears a handwritten "date-in" of November 14, 2006 and a USPS receipt date stamp of November 14, 2006. It is noted that the Application Transmittal Letter contained the same Express Mail label number.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. Since the evidence is convincing that the application was in the hands of a U. S. Postal Service employee on November 14, 2006, the petition is **GRANTED**.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Maria Laccotripe Zacharakis appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she acts.

The above application was accorded a filing date of November 14, 2006 and a corrected filing receipt was mailed on July 19, 2007.

This application file is being forwarded to Technology Center Art Unit 1654, for examination in due course.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRASKBRITT PC
PO BOX 2550
SALT LAKE CITY UT 84110

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Khan, et al.	:	
Application No. 11/600,294	:	DECISION ON PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2183.03-7996US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 22, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in the Amendment submitted with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1654 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the non-provisional application set forth in the Amendment, filed February 22, 2010.

Chris Bottorff
Supervisor
Office of Petitions

Enc: Corrected Filing Receipt (3 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/600,294	11/15/2006	1654	565	2183.03-7996US	4	1

CONFIRMATION NO. 3912

CORRECTED FILING RECEIPT

24247
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000041647892

Date Mailed: 05/17/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nisar Ahmed Khan, Rotterdam, NETHERLANDS;
Robbert Benner, Barendrecht, NETHERLANDS;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/409,668 04/08/2003 ABN
and is a CIP of 11/037,972 01/18/2005
which is a CON of 09/821,380 03/29/2001 PAT 6,844,315
which is a CIP of 09/716,777 11/20/2000 PAT 6,921,751
which is a CON of PCT/NL99/00313 05/20/1999
This application 11/600,294
is a CIP of 10/262,522 09/30/2002 PAT 7,365,155
which is a CON of PCT/NL01/00259 03/03/2001

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 98201695.8 05/20/1998
EUROPEAN PATENT OFFICE (EPO) 98202706.2 08/12/1998
EUROPEAN PATENT OFFICE (EPO) 00201139.3 03/29/2000

If Required, Foreign Filing License Granted: 05/15/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/600,294**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

Oligopeptide acetate and formulations thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

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DEC 2 4 2008

In re Application of	:	
Jack I. Trowbridge, Jr.	:	
Application No. 11/600,298	:	DECISION ON PETITION
Filed: November 14, 2006	:	
Attorney Docket No. MSI 310	:	

This is a decision on the petition, filed August 13, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 8, 2006, which set a two month shortened statutory period for reply. Accordingly, a reply was due on or before February 9, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on March 8, 2007, which included the following papers: an executed oath/declaration, a one month extension of time, a check for $950, etc. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated March 8, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice mailed December 8, 2006 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on March 8, 2007.

This application is being referred to Technology Center Art Unit 2856 for appropriate action in the normal course of business on the reply received with petition.

Andrea Smith
Petitions Examiner
Office of Petitions

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MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO CA 92130-2047

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JAN 21 2009

In re Application of
Andrew P. MAZAR et al.
Application No. 11/600, 302
Filed: November 15, 2006
Attorney Docket No. 066782-0060

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Notice), mailed July 27, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 28, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a sequence listing, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The Power of Attorney and Change of Correspondence Address also filed November 14, 2008 are accepted. It is noted that the Power of Attorney refers to "The undersigned inventor" rather than the assignee, but it is understood as referring to the assignee. Also, the address given on the petition differs from the address of record associated with customer number 41552. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Felix O. Figueroa at (571) 272-6051 or in his absence, to the undersigned at (571)727-7099.

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received.

for David Bucci
Petitions Examiner
Office of Petitions

Cc: MCDERMOTT, WILL & EMERY
4370 LA JOLLA VILLAGE DRIVE, SUITE 700
SAN DIEGO, CA 92122

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/27/09

TO SPE OF : ART UNIT **3774 (3700)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/600,323** Patent No.: **7,572,296**

Attn: Yashita Sharma

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

*** Should claim 8 be deleted and the remaining claims in what numerical order?**

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Delete Claim 8 and renumber claims 9-17 as 8-16 consecutively_____

_____

_____

_____

_____

/David J Isabella/_____ __3774___
SPE **Art Unit**

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COMMISSIONER FOR PATENTS
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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

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SEP 04 2008

Applicant: Castro
Appl. No.: 11/600,332
Filing Date: August 15, 2006
Title: COMPOUNDS AND METHOD FOR INHIBITING THE INTERACTION OF BCL PROTEINS WITH BINDING PARTNERS
Attorney Docket No.: IPX-004.02
Pub. No.: US 2007/0161690 A1
Pub. Date: July 12, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 10, 2007, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material errors in the claims, wherein one of the bonds is not shown correctly.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
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Alexandria, VA 22313-1450
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WESTERN DIGITAL TECHNOLOGIES, INC.
ATTN: LESLEY NING
20511 LAKE FOREST DR.
E-118G
LAKE FOREST CA 92630

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Yong Hu, et al.	:	
Application No. 11/600,348	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. R1997	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 24, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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UNITED STATES DEPARTMENT OF COMMERCE
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INGRASSIA FISHER & LORENZ, P.C. (FS)
7010 E. COCHISE ROAD
SCOTTSDALE, AZ 85253

Mail Date: 04/20/2010

Applicant	: Lianjun Liu	: DECISION ON REQUEST FOR
Patent Number	: 7630693	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,351	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **478** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA PA 19103

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark DeHarde and	:	DECISION REFUSING STATUS
Yevgeniy Vinshtok	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 11/600,362	:	
Filed: November 15, 2006	:	

This is a decision on the PETITION UNDER RULE 1.47(a) filed July 12, 2007.

The petition under 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 15, 2006, with an unexecuted declaration and an application data sheet (ADS). In addition, the ADS did not include all of the information for inventor Vinshtok. Accordingly, on December 12, 2006, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. (In addition, replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) were required). This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition including a declaration and late surcharge (and submitted replacement drawings). This response was made timely by an accompanying petition and fee for response within the fifth month. Applicant, Mark DeHarde, in accordance with 37 C.F.R. §1.47(a), petitions to make application for patent on behalf of himself and on behalf of non-signing applicant, Yevgeniy Vinshtok, who cannot be found or reached after diligent effort.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Requirements (2), (3) and (4) have been satisfied. The petition includes a declaration executed by inventor DeHarde on behalf of himself and on behalf of non-signing inventor Vinshtok. The required petition fee of $200 has been charged to petitioner's Deposit Account, as authorized. The petition includes a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because it does not satisfy requirement (1). The petition does not include adequate proof that inventor Vinshtok cannot be found or reached after diligent effort. By declaration of facts of Mark DeHarde, petitioner states that at present I do not know how to reach, have been unable to locate and am not aware of the residence address of Yevgeniy Vinshtok. To prove diligent efforts to reach inventor Vinshtok, petitioner submits the declaration of Bruce D. George. The efforts disclosed have been considered but not found to be diligent. The efforts include checking with the inventor's previous employer and a reverse address and a Google search. The employer had no useful information. A review of the Internet search results support a conclusion that these efforts were not reasonably calculated to reach or locate inventor Vinshtok at his current address. The reverse address search merely reveals who currently resides at inventor Vinshtok's last known address. Petitioner has not explained how a general search of either "Y Vinshtok" or "Yevgeniy Vinshtok" using the Google search engine would result in ascertaining the

address of inventor Vinshtok or any other address. In fact, the result of both searches was "did not match any documents."

More importantly, there are more tailored search tools available, such as those actually focused on locating individuals. A search for the inventor on the Public Records in www.lexis.com reveals a last known address for a Yevgeniy Vinshtok (formerly of Dowington, PA) at 1604 33rd Street Apt. D, Allentown, PA 18103-6929.

Accordingly, the petition is not grantable. On renewed petition, applicants should submit evidence based on firsthand knowledge of efforts to reach the inventor or present all of the application papers to the inventor at the address referenced above (or other address, if applicants show that such an address is more proper). The efforts undertaken must reflect diligence in order for the petition to be granted.

If a more current address is ascertained, a supplemental ADS executed by a proper party under 37 CFR 1.33(b) with the address should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions
ATTN: NANCY JOHNSON

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Paper No.

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PHILADELPHIA PA 19103

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JUN 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Mark DeHarde and	:	DECISION REFUSING STATUS
Yevgeniy Vinshtok	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 11/600,362	:	
Filed: November 15, 2006	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR §1.47(a) filed March 3, 2008.

The petition under 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 15, 2006, with an unexecuted declaration and an application data sheet (ADS). In addition, the ADS did not include all of the information for inventor Vinshtok. Accordingly, on December 12, 2006, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing.

By decision mailed January 2, 2008, the initial petition filed July 12, 2007 was dismissed. Applicants failed to submit

adequate proof that non-signing inventor Vinshtok could not be found or reached after diligent effort.

The instant renewed petition was timely filed with a declaration executed by previously non-signing inventor Vinshtok and a supplemental application data sheet. Unfortunately, neither the declaration nor the supplemental ADS is acceptable. Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). The change to the address of the inventor set forth in the declaration is provided in the supplemental ADS. However, as stated in the previous dismissal, a supplemental ADS must be executed by a proper party under 37 CFR 1.33(b).

A declaration in compliance with 37 CFR 1.63 is required in response to the decision dismissing the petition and for joinder of inventor Vinshtok. The deficiency in the address of inventor Vinshtok can be corrected by submission of an executed supplemental ADS.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions
ATTN: NANCY JOHNSON

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

COPY MAILED

SEP 10 2009

OFFICE OF PETITIONS

In re Application of
Norman J. Byrd et al. :
Application No. 11/600,372 : ON PETITION
Filed: November 16, 2006 :
Attorney Docket Number: 81150341 :

This is a decision on the petition under 37 CFR 1.182 filed August 4, 2009, to correct the name of the first inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner submits that the application and declaration as originally filed incorrectly identified the first inventor as Norm J. Byrd but that his legal name which hasn't been changed is Norman J. Byrd. Petitioner requests a correction of the file record and issuance of a corrected filing receipt. Petitioner submits a statement explaining how the error was occasioned. Additionally, a supplemental oath or declaration properly identifying the first inventor and signed by all of the inventors was submitted on June 2, 2009.

In view of the instant request, the following inventor name data has been changed.

Inventor 1) Norman J. Byrd

Deposit account no. 06-1510 has been charged in the amount of $400 for the instant petition.

A corrected filing receipt is included with this decision and this matter is being referred to Technology Center 3655 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/600,372	11/16/2006	3655	1130	81150341	18	2

CONFIRMATION NO. 4517

CORRECTED FILING RECEIPT

28866
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

OC000000037733898

Date Mailed: 09/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Norman J. Bird, Plymouth, MI;
Dennis N. Wys, Ann Arbor, MI;
John W. Kimes, Wayne, MI;

Power of Attorney: The patent practitioners associated with Customer Number 28866

Domestic Priority data as claimed by applicant

This application is a CIP of 11/077,387 03/10/2005 PAT 7,383,930
which is a CIP of 10/899,918 07/28/2004 PAT 7,100,756

Foreign Applications

If Required, Foreign Filing License Granted: 12/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/600,372**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Retention of an actuating spring in a one-way clutch or brake

Preliminary Class

192

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/20/2010

Applicant	: Trevor C. McMorris	: DECISION ON REQUEST FOR
Patent Number	: 7629380	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,375	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **4** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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D. Kligler I.P. Services LTD
P.O. Box 25
Zippori, 17910
ISRAEL

Mail Date: 04/20/2010

Applicant	: Dale A. Harrison	: DECISION ON REQUEST FOR
Patent Number	: 7622310	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,414	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **187** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Patent Docket Department
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

Mail Date: 07/23/2010

Applicant	: Christopher James Capio	: DECISION ON REQUEST FOR
Patent Number	: 7644532	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,466	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRADLEY N. RUBEN, PC
463 FIRST ST, SUITE 5A
HOBOKEN NJ 07030

JAN 29 2007

In re Application of: TAM
Serial No.: 11/600,469
Filed: November 16, 2006
Title: STEAM SYSTEM FOR CONTINUOUS CLEANING OF HOOD FAN

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on November 16, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE
SUITE 3700
CHICAGO, IL 60606

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JAN 29 2007

OFFICE OF PETITIONS

In re Application of	:	
John Shin, et al.	:	
Application No. 11/600,471	:	DECISION ON PETITION
Filed: November 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P2539US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Sigfus Bjornsson. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2161 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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LAMBERT
& ASSOCIATES, P.L.L.C.
92 STATE STREET
BOSTON MA 02109-2004

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Megwa :
Application No. 11/600,482 :
Filed: 16 November, 2006 :
Attorney Docket No: 06-075-CM :

DECISION

This is a decision on the petition filed on 22 January, 2010, supplemented and completed on 1 July, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

The original Petitioner appears to have submitted incomplete and unsigned petition without a statement of unintentional delay but with an attached brief narrative of events. The deficiency appears to have been cured with the supplement of 1 July, 2010.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.

If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

[1] See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

The Applicant failed to reply to the non-final Office action mailed on 19 June, 2008, with reply due absent extension of time on or before 19 September, 2008.

The application went abandoned by operation of law after midnight 19 September, 2008.

The Office mailed the Notice of Abandonment on 22 January, 2009.

On 22 January, 2010, original Petitioner filed, *inter alia*, a incomplete petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of an amendment, but failed to make the statement of unintentional delay. Original Petitioner also filed a terminal disclaimer (TD) with fee, the reason for which is unclear. Because of this lack of clarity and because the original Petitioner appears no longer to be prosecuting the application, the Office will defer action on the TD to the Examiner to enter/accept or not; should the Examiner determine that he will not accept the TD, Petitioner may wish to request of the Office of Finance a refund of the fee for the TD, and should submit therewith a copy of that refusal and a copy of this decision. On 1 July, 2010, new Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), pointed to the previously filed reply and made a statement of unintentional delay.

As noted above, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] *In the event that such an inquiry has not been made, Petitioner* ***must*** *make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner* ***must*** *notify the Office.*

---

[2] See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

The record (including the petitions filed (incomplete) on 22 January, 2010 and (supplemental) on 1 July, 2010) does not necessitate a finding that the delay between midnight 19 September, 2008 (the date of abandonment), and 1 July, 2010 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioners/Counsel Xiaolei Zhang (Reg. No. 64,630) and Adam J. Bruno (Reg. No. 58,390) when accepting Petitioners' representation that the delay in filing the response was unintentional.[3]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[5]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

---

[3] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. ' 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. ' 1.137(b) to the Patent and Trademark Office).

[4] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[5] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[6] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU (TC/AU) 3694 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[7]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090514

DATE : May 14, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7249361

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ANDREA L WELLINGTON/
Supervisory Patent Examiner.Art Unit 2627

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Dieter Guede	: DECISION ON REQUEST FOR
Patent Number	: 7591328	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,489	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **255** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY MI 48007

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of
Glenn et al.
Application No. 11/600,510
Filed: November 16, 2006
Attorney Docket No. DP-313697

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed May 1, 2009. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 2, 2009. A Notice of Abandonment was mailed on August 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the $1510 issue and publication fees of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

Mail Date: 05/21/2010

Applicant	: Jong-Hyun Lee	: DECISION ON REQUEST FOR
Patent Number	: 7660564	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **577** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

RICHARD B. KLAR
145 WILLIS AVENUE
SUITE NO. 6
MINEOLA NY 11501

In re Application of	:	
Walker GUERRIER	:	
Application No. 11/600,516	:	DECISION ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No. 415RK01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 6, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

The Office acknowledges the Request for Continued Examination filed with the petition dated November 5, 2009. However, since it is an inappropriate response at this time, Petitioner may request a refund by writing to Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Dumeur et al.	:	DECISION ON PETITION
Application No. 11/600,529	:	TO WITHDRAW
Filed: November 15, 2006	:	FROM RECORD
Attorney Docket No. ILOC--014-101	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 28, 2009 the power of attorney to Ropes & Gray LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Carey, Rodriguez, Greenberg, & Paul, LLP
Steven M. Greenberg
950 Peninsula Corporate Circle
Suite 3020
Boca Raton FL 33487

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BUSH INTELLECTUAL PROPERTY LAW GROUP, LLC
P.O. BOX 381146
BIRMINGHAM, AL 35238

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OFFICE OF PETITIONS

In re Application of :
AYERS, Howard W. Jr. :
Application No. 11/600,534 :
Filed: November 16, 2006 :
Attorney Docket No. **AYERS 5** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Howard W. Ayers, Jr., attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

SABIC – 08CU – ULTEM
SABIC INNOVATIVE PLASTICS – IP LEGAL
ONE PLASTICS AVENUE
PITTSFIELD MA 01201-3697

In re Application of	:	
Farid Fouad Khouri et al	:	
Application No. 11/600,538	:	DECISION ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No. 121787-4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed December 27, 2007, is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received July 28, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

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MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
David A. Maluf	:	
Application No. 11/600,590	:	DECISION ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No. SGATP001/M3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed August 29, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 2, 2008. The Notice of Abandonment was mailed December 24, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571)272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Squire, Sanders & Dempsey L.L.P
Suite 2700
Two Renaissance Squire
40 North Central Avenue
Phoenix, AZ 85004-4498

MAILED

MAY 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
John C. Opie et al.	:	
Application No. 11/600,597	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. 032303.00030	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 4, 2008 and resubmitted on March 5, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 23619 has been revoked by the Assignee of the patent application on April 7, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX AZ 85012

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Fischman et al.	:	
Application No. 11/600,613	:	
Filed: November 16, 2006	:	
Attorney Docket No. 62009C2D (51588)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

The Notice of Appeal filed April 26, 2010, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 1641 for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL CYBULSKI
3311 JAN CT
KATY TX 77493

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of Michael Cybulski Application No. 11/600,621 Filed: November 16, 2006 Title: Emission Monitoring Methods and Systems	: : : : :	ON PETITION

This is a decision on the paper titled "PETITION TO REVIVE ABONDONED [sic] APPLICATION", filed August 20, 2007, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181, in light of the fact that applicant did not pay the petition fee required by 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed December 7, 2006. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, together with the $65 surcharge for its late filing. No reply having been received, the application became abandoned on February 8, 2007. A Notice of Abandonment was mailed on August 8, 2007.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

Here, petitioner has not submitted a proper docket record showing all of his replies docketed for a due date of February 7, 2007. However, as petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. In that case, if petitioner seeks to establish that he did not receive the Notice of to File Missing Parts, petitioner must explain his system for keeping track of patent matters; where he keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the December 7, 2006 Notice was not entered into that system.

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently $770 for a small entity; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

---

[1] See MPEP 711.03(c)(II).

[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (3 pages)

PTO/SB/64 (11-07)
Approved for use through 11/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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MICHAEL CYBULSKI
3311 JAN CT
KATY TX 77493

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FEB 01 2008
OFFICE OF PETITIONS

In re Application of Michael Cybulski Application No. 11/600,621 Filed: November 16, 2006 Title: Emission Monitoring Methods and Systems	: : : : :	ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 16, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed December 7, 2006. This Notice set an extendable period for reply of two (2) months for applicant to submit an oath or declaration, together with the $65 surcharge for its late filing. No reply having been received, the application became abandoned on February 8, 2007. A Notice of Abandonment was mailed on August 8, 2007. Applicant filed a petition to withdraw the holding of abandonment on August 20, 2007. However, the petition was dismissed in a decision mailed on November 29, 2007.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an executed declaration. The surcharge for late filing of the declaration was previously filed on August 20, 2007.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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L.C. BEGIN & ASSOCIATES, PLLC
510 HIGHLAND AVENUE
PMB 403
MILFORD, MI 48381

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:
Brian A. Mayville, et al.	: DECISION ON PETITION
Application No. 11/600,622	: UNDER 37 CFR 1.78(a)(3)
Filed: November 16, 2006	:
Attorney Docket No. 5702-01134	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is applicable to applications filed on or after November 29, 2000 and is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Further, a petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1), as petitioner failed to submit an Application Data Sheet or an amendment to the first sentence of the specification following the title to include a proper reference to prior-filed application as required by 37 CFR 1.78(a)(2)(i). The amendment identifies the prior application as 11/445,859, which does not name at least one common inventor with the later-filed application. In order for an application to claim the benefit of a prior-filed copending nonprovisional application, each prior-filed application must name as an inventor at

least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. See 37 CFR 1.78(a)(1) and/or MPEP 201.11 IV.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5) and 1.78(a)(2)(i)) are required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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MEYER UNKOVIC & SCOTT LLP
1300 OLIVER BUILDING
PITTSBURGH PA 15222

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DEC 1 2 2006
OFFICE OF PETITIONS

In re Application of	:	
LERNER	:	
Application No. 11/600,627	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 270610.108	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 28, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a declaration signed by Mr. Lerner indicating that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Patricia Volpe at 571-272-6825.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1724 for action on the merits commensurate with this decision.

Patricia Volpe
Petitions Examiner
Office of Petitions

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VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

MAILED

APR 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Gregory T. Caskey, et al.	:	
Application No. 11/600,636	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO WITHDRAW
Attorney Docket No. LAK01 P-102A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

Further the request cannot be approved because the practitioners were not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: LAKESHORE VISION & ROBOTICS, LLC
588 E. 40TH STREET
SUITE B
HOLLAND, MI 49423

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MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

Mail Date: 04/21/2010

Applicant	: John K. Roberts	: DECISION ON REQUEST FOR
Patent Number	: 7621655	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,642	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **181** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090528

DATE : May 28, 2009

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7518122

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/600,648	11/16/2006	Yun-hee Park	0003262USU/3062	4165

7590 07/03/2008
OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER
HAIL, JOSEPH J

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/09/2008 NFARMER 0000163513

CHECK Refund Total: $500.00

Adjustment date: 07/09/2008 NFARMER
11/20/2006 ZJUHAR1 00000010 11600648
02 FC:1111 -500.00 OP

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Joerg Muchow	: DECISION ON REQUEST FOR
Patent Number	: 7647832	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,672	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **338** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA, GA 30309-3521

Mail Date: 04/27/2010

Applicant	: Yves Claude Nicolau	: DECISION ON REQUEST FOR
Patent Number	: 7648970	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/600,685	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, PC
Federal Reserve Plaza
600 Atlantic Avenue
BOSTON, MA 02210-2206

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Patent of	:	
Marchi et al.	:	
Application No. 11/600,687	:	DECISION
Filing or 371(c) Date: 11/16/2006	:	ON PETITION
Title of Invention:	:	
PROCESS FOR MANUFACTURING DEEP	:	
THROUGH VIAS IN A SEMICONDUCTOR	:	
DEVICE, AND SEMICONDUCTOR DEVICE	:	
MADE THEREBY	:	

This is a decision on the Petition for Filing Date, filed February 12, 2007, requesting the application be accorded a filing date of November 16, 2006, including Figures 20-22 described in the specification.

The petition is **granted**.

Background

The application was filed on February 12, 2007. On December 14, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing; however, Figures 20-22 described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that Figures 20-22 were included among 10 sheets of drawings filed with the application on February 12, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 10 sheets of drawings by this Office on February 12, 2007.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of Figures 20-22, filed with the instant petition, will be used for examination purposes.

The petition fee has been refunded to petitioner's deposit account as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 12, 2007, and an indication that Figures 20-22 described in the specification were included among 10 sheets of drawings filed on February 12, 2007, using Figures 20-22 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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APR 28 2009

OFFICE OF PETITIONS

In re Application of
Billy W. WARD, et al.
Application No. 11/600,711
Filed: November 15, 2006
Attorney Docket No. **21384-017001**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **FISH & RICHARDSON**
225 FRANKLIN STREET
BOSTON, MA 02110

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED
FEB 19 2010

In re Application of	:	
Per Kristian EIDE	:	
Application No. 11/600,716	:	NOTICE
Filed: November 17, 2006	:	
Attorney Docket No. 1617-0103PUS2	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment*. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The submission filed December 17, 2009, does not include a proper itemization of the basic filing, search and examination fees, as indicated above.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: PAUL C. LEWIS
BIRCH, STEWART, KOLASCH
& BIRCH, LLP
8110 GATEHOUSE ROAD,
SUITE 100 EAST, P.O. BOX 747
FALLS CHURCH VA 22040-0747

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

MAR 10 2010

OFFICE OF PETITIONS

In re Patent No. 7,335,162	:	
Issue Date: February 26, 2008	:	
Application No. 11/600,718	:	NOTICE
Filed: November 17, 2006	:	
Attorney Docket No. 1617-0103PUS3	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The submission filed December 17, 2009, does not include a proper itemization of the issue fee, as indicated above.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: PAUL C. LEWIS
BIRCH, STEWART, KOLASCH
& BIRCH, LLP
8110 GATEHOUSE ROAD,
SUITE 100 EAST, P.O. BOX 747
FALLS CHURCH VA 22040-0747

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DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Reaney et al.	:	
Application No. 11/600747	:	
Filing or 371(c) Date: 11/17/2006	:	ON PETITION
Attorney Docket Number:	:	
15589CIP	:	

This decision is in response to the "Petition to Correct Inventorship," filed August 5, 2008. The petition is properly treated under 37 CFR 1.182. The delay in treating this petition is regretted.

The petition is dismissed.

Applicant is advised that before the merits of Applicant's petition may be considered, the balance of the petition fee must be submitted. The fee for a petition under 37 CFR 1.182 is $400.00, effective December 8, 2004. While Applicant authorized this Office to charge any additional fees in the Fee Transmittal filed with the application papers on November 17, 2007, no deposit account was provided.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria VA 22314

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AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Reaney et al.	:	
Application No. 11/600747	:	
Filing or 371(c) Date: 11/17/2006	:	ON PETITION
Attorney Docket Number:	:	
15589CIP	:	

This decision is in response to the "Petition to Correct Inventorship," filed August 5, 2008, and on the "Response to Dismissed Petition to Correct Inventorship 37 C.F.R. § 1.182, filed November 26, 2008. The delay in treating this petition is regretted.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor 's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.[1]"

MPEP 605.04(b)

Applicant is further advised that

> Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required.
> If applicant merely files a statement notifying the Office of the typographical or

[1] The fee for a petition under 37 CFR 1.182 is $400.00, effective December 8, 2004. The balance of the petition fee has been charged to Petitioner's deposit account as authorized in the fee transmittal filed with the application papers on November 17, 2007.

> transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

MPEP 601.05

The petition is hereby **granted**.

The name of inventor Gabriella Piette has been changed to Gabriel Piette and the name Gabriel Piette has been entered and made of record in the above-identified application.

The application is being referred to Technology Center Art Unit 1797 for examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosures: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/600,747	11/17/2006	1797	1380	15589CIP	25	3

CONFIRMATION NO. 4721

CORRECTED FILING RECEIPT

293
DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria, VA 22314

OC000000037377938

Date Mailed: 08/17/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Martin J. Reaney, Saskatoon, CANADA;
Gabriel Piette, Montreal, CANADA;
Philip Barry Hertz, Saskatoon, CANADA;
Neil D. Westcott, Saskatoon, CANADA;

Assignment For Published Patent Application

Her Majesty in Right of Canada

Power of Attorney: The patent practitioners associated with Customer Number 000293

Domestic Priority data as claimed by applicant

This application is a CIP of 11/290,781 12/01/2005

Foreign Applications

If Required, Foreign Filing License Granted: 12/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/600,747**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Methods for concentration and extraction of lubricity compounds and biologically active fractions from naturally derived fats, oils and greases

Preliminary Class

044

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/600,750	11/17/2006	Ho-seop Lee	52608	4728

7590 03/11/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/13/2009 NFARMER 0000166480

CHECK Refund Total: $900.00

Adjustment date: 03/13/2009 NFARMER
11/20/2006 HLE333 00000034 11600750
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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SJM/AFD-WILEY
14901 DEVEAU PLACE
MINNETONKA MN 55345-2126

Applicant: Vaska et al.
Appl. No.: 11/600,751
Filing Date: November 17, 2006
Title: METHODS AND DEVICES FOR ABLATION
Attorney Docket: OE-040062US/B2410.0082
Pub. No.: US 2007/0066974 A1
Pub. Date: April 22, 2007

MAILED

APR 17 2009

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 7, 2007, for the above-identified application.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/600,777	11/17/2006	Tsutomu Shibata	04329.4045	4764

7590 03/15/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
KUNTZ, CURTIS A

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/15/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 03/15/2010 NFARMER
11/20/2006 MBIZUNES 00000041 11600777
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Patent No. 7,327,604	:	
Application No. 11/600,798	:	
Filed: November 17, 2006		ON PETITION
Issued: February 5, 2008	:	
Attorney Docket No. 501.35478CX28	:	

This is a decision on the petition filed December 7, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Kari-Matti Laakso	: DECISION ON REQUEST FOR
Patent Number	: 7656638	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,817	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **209** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. Box 1450
Alexandria, VA 22313-1450
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BC

November 4, 2009

In re application of Kong Kyeom Kim et al. Serial No. 11/600,819 Filed: November 17, 2006 For: EMITTING MATERIAL AND ORGANIC LIGHT EMITTING DIODE USING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed September 15, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is dismissed as moot according to the requirement item (4) above, since the examination of the U.S. application has begun and a Restriction Requirement was mailed on October 02, 2009.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

COPY MAILED

JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of :
TRUCKSIS, MICHELE :
Application No. 11/600,836 :
Filed: 11/17/2006 :
Attorney Docket No. VET 2 C1 :

DECISION ON PETITION

This is a decision on the petition filed December 12, 2006, requesting that the above-identified application be accorded a filing date of November 17, 2006.

The above-identified application was deposited on November 17, 2006. On December 5, 2006, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings. It is noted that the specification filed on November 17, 2006, describes drawings figures; however, no drawings were received in the United States Patent and Trademark Office (Office) on that date. The Notice of Incomplete Nonprovisional Application set a TWO-MONTH period from the date of the Notice to respond or the proceedings would be terminated.

As stated in MPEP § 601.01(f), it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is <u>not</u> necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains method claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for submission of drawings as set forth in the Notice of Incomplete Nonprovisional Application of December 5, 2006, was mailed in error and is hereby withdrawn.

The petition is **granted**. The application will be accorded a filing date of November 17, 2006, without any drawings as a part of the original disclosure. A petition fee is unnecessary.

This matter is being referred to the Office of Initial Patent Examination for further processing with a filing date of **November 17, 2006**, and an indication in the Office records that zero "0" sheets of drawings were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272- 3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Billy W. Ward, et al.	:	
Application No.: 11/600,861	:	ON PETITION
Filed: November 15, 2006	:	
Attorney Docket No.: 21384-028001 / 06278PUS	:	

This is a decision on the petition, filed April 27, 2009, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 24, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

It is noted that while the requisite petition fee is $130, petitioner submitted a fee of $400. Therefore, the $270 overpaid is being credited to counsel's deposit account as authorized.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

The application is being referred to Technology Center AU 2881 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SEAN P. DALEY
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

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APR 14 2010

OFFICE OF PETITIONS

In re Application of
Billy W. Ward et al
Application No. 11/600,873
Filed: November 15, 2006
Attorney Docket No. 21384-018001

ON PETITION

This is a decision on the petition, filed April 13, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 12, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
JUN 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Billy W. WARD, et *al.*	:	
Application No. 11/600,873	:	DECISION GRANTING PETITION
Filed: November 15, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **21384-018001**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

APR 28 2009

OFFICE OF PETITIONS

In re Application of
Billy W. WARD, et al.
Application No. 11/600,874
Filed: November 15, 2006
Attorney Docket No. **21384-024001**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 27, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **FISH & RICHARDSON**
225 FRANKLIN STREET
BOSTON, MA 02110

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/600,879	11/17/2006	Seung-Hyun Son	P58193	5125

7590 10/22/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
CERULLO, LILIANA P

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Niami Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/22/2009 NFARMER 0017310700
DAB:CE4143 Name/Number:11600879
FC: 9234 $950.00 CR

Adjustment date: 10/22/2009 NFARMER
11/20/2006 MGEBREM1 00000001 11600879
02 FC:1111 -500.00 OP
04 FC:1202 -450.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/600,894	11/16/2006	2142	1550	AVA06-51	8	23	5

CONFIRMATION NO. 5226

CORRECTED FILING RECEIPT

OC000000021927553

51038
CHAPIN INTELLECTUAL PROPERTY LAW, LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

Date Mailed: 01/10/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Rajat Gopal, Shrewsbury, MA;

Power of Attorney: The patent practitioners associated with Customer Number **51038**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/600,894

Projected Publication Date: 05/22/2008

Non-Publication Request: No

Early Publication Request: No

Title

Relational framework for non-real-time audio/video collaboration

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No.

MAILED

JAN 26 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of	:	
Hung-Neng et al.	:	
Application No. 11/600,900	:	DECISION ON PETITION
Filed: November 17, 2006	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
7005.102	:	
Title: STRUCTURE OF	:	
STRAIGHT-OUT CONTROLLABLE	:	
CERAMIC VALVE OF ANTI-	:	
FREEZING FAUCET	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 4, 2009, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The concurrently submitted Revocation of Power of Attorney and Appointment of New Attorney has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 15, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue[1] or publication fees.[2] Accordingly, the above-identified application became abandoned on September 16, 2009. A Notice of Abandonment was mailed on October 2, 2009.

1 See MPEP § 710.02(e)(III).
2 See 37 C.F.R. § 1.211(e).

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[3]

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[4] All other inquiries

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3 See Rule 1.137(d).
4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/600,900	11/17/2006	Hung-Neng Wu	BHT/3110-304

CONFIRMATION NO. 4819

POWER OF ATTORNEY NOTICE

40144
TROXELL LAW OFFICE, PLLC
P.O. Box 1370
Annandale, VA 22003

OC000000039721268

Date Mailed: 01/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/04/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

COPY MAILED
DEC 03 2008

In re Application of	:	
Chien et al.	:	
Application No. 11/600,922	:	DECISION ON PETITION
Filed: November 17, 2006	:	
Attorney Docket No. BHT/3088-181	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 19, 2008, as required by the Notice of Allowance and Fee(s) Due mailed February 19, 2008. Accordingly, the application became abandoned on May 20, 2008. A Notice of Abandonment was mailed June 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

/SDB/
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOEKENDIJK & LYNCH LLP
PO BOX 4787
BURLINGAME CA 94011-4787

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
James W. Vetter	:	
Application No. 11/600,929	:	ON PETITION
Filed: November 16, 2006	:	
Attorney Docket No. 021-008	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 19, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed September 11, 2009. This Office action set a shortened statutory period for reply of one (1) month. Applicant filed a reply on October 13, 2009 (made timely pursuant to 37 CFR 1.7(a)). However, in a Notice mailed January 14, 2010, the Office informed Applicant that the reply would not be entered because it was deemed non-responsive. As such, the application became abandoned on October 12, 2009. The Office mailed a Notice of Abandonment on March 30, 2010.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 3736 for consideration of the Election, filed April 19, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT LAW OFFICES OF RICK MARTIN, PC
PO BOX 1839
LONGMONT CO 80502

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
MAYHUGH, Kent R.	:	
Application No. 11/600,940	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO WITHDRAW
Attorney Docket No. **871-001-1-502**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 09, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Ralph M. Martin on behalf of all attorneys of record who are associated with customer No. 23996. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Kent R. Mayhugh at the address indicated below.

The application became abandoned for failure to timely reply to the office action mailed September 05, 2008.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **KENT R. MAYHUGH**
N69 W25055 INDIAN GRASS LANE
SUITE A
SUSSEX, WISCONSIN 53089

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COPY MAILED
FEB 17 2010

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

In re Application of	:	
Charles W. K. GRITTON	:	
Application No. 11/600,950	:	NOTICE
Filed: November 17, 2006	:	
Attorney Docket No. **0320-084**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GEORGE C. LUCIA
214 N. SUPERIOR STREET
DE PERE WI 54115

MAILED

MAY 11 2009

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
George C. LUCIA :
Application No. 11/600,956 :
Filed: November 17, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 10, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 19, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 21, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items (1) and (3)

Petitioner did not supply the required fee for multiple dependent claims. The multiple dependent claim fee is $195.00. There is a fee deficiency of $45.00. No consideration on the merits can be given that petition until the required fee is received.

The petitioner also lacked a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Page 2 of the petition form PTO/SB/64 was not submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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GEORGE C. LUCIA
214 N. SUPERIOR STREET
DE PERE WI 54115

MAILED

AUG 17 2009

OFFICE OF PETITIONS

In re Application of	:	
George C. LUCIA	:	
Application No. 11/600,956	:	DECISION ON PETITION
Filed: November 17, 2006	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 19, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 21, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of February 21, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application is being referred to the Office of Patent Application Processing.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

OVERHAUSER LAW OFFICES, LLC
PAUL B. OVERHAUSER
737 W. GREEN MEADOWS DRIVE, SUITE 300
GREENFIELD IN 46140

Application No. 11/600,970 (formerly 29/246,777)
Filed: May 9, 2006
Attorney Docket No. OV/06-714

ON PETITION

This is a decision on the petition filed May 22, 2006 requesting conversion of Application No. 29/246,777 to a utility application under 37 CFR 1.182.

The petition under 1.182 is **GRANTED**.

The above-identified application was filed on May 9, 2006. Petitioner states that the above-identified application was inadvertently filed as a design application using the Electronic Filing System. The Electronic Acknowledgement Receipt also reflects this mistake by identifying the application type as a design application. The basic filing fee for a design application was paid. Substantively, the application, as filed, was a utility application; that is, the specification was arranged in accordance with 37 CFR 1.77(b) and includes a claim pursuant to 37 CFR 1.75.

In light of the above evidence, Design Application No. 29/246,777 has been converted to Utility Application No. 11/600,970. Please refer to Utility Application No. 11/600,970 in all future correspondence with the Office as stated in the Notice of Corrected Application Number mailed on November 20, 2006.

Telephone inquiries should be directed to Denise Pothier at (571) 272-4787.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - ALTERA
ATTN: ALTERA
P.O. BOX 70250
OAKLAND CA 94612-0250

MAILED

JUN 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Yogesh Gathoo, et al.	:	
Application No. 11/600,982	:	DECISION ON PETITION
Filed: November 16, 2006	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ALTRP135C1/A1469C1	:	

This is a decision on the petition under 37 CFR § 1.78(a)(3) , filed June 24, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed applications set forth in the concurrently filed amendment, and on the petition under 37 CFR 1.182 to expedite the consideration thereof.

The petition under 37 CFR 1.182 is **GRANTED.**

The petition under 37 CFR § 1.78(a)(3) is **DISMISSED AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the transmittal letter filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(3).[1] In the present case, the Office noted

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

the claim for priority to the prior-filed application in the transmittal letter filed with the instant application, as shown by its inclusion on the filing receipt dated December 12, 2006.

In view of the above, the $1,410 fee submitted for the petition under 37 CFR § 1.78(a)(3) is unnecessary and petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request. Petitioner should note that the petition fee of $400 for the concurrently filed petition under 37 CFR 1.182 will not be refunded.

Any questions concerning this decision on petition may be directed to Ramesh Krishnamurthy at (571) 272-4914. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2825 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions

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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - ALTERA
ATTN: ALTERA
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Yogesh Gathoo	: DECISION ON REQUEST FOR
Patent Number	: 7574679	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/600,982	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **257** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Mail Date: 04/30/2010

Applicant	: Terrance P. Snutch	: DECISION ON REQUEST FOR
Patent Number	: 7666865	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/601,005	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **650** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Armin Conrad	: DECISION ON REQUEST FOR
Patent Number	: 7575372	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,016	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **147** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Lance G. Laing	: DECISION ON REQUEST FOR
Patent Number	: 7628085	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **529** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SMITH INTERNATIONAL INC.
16740 HARDY
HOUSTON TX 77032

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OCT 24 2007

OFFICE OF PETITIONS

In re Application of	:	
Zhou Yong, et al.	:	
Application No. 11/601,029	:	DECISION ON PETITION
Filed: November 17, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 04-STR62(1)	:	

This is a decision on the petition, filed May 15, 2007, which is being treated under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of prior-filed provisional application No. 60/737,597 filed November 17, 2005.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above. Petitioner failed to submit an Application Data Sheet or an amendment to the first sentence of the specification following the title to include a proper reference under 37 CFR 1.78(a)(2)(i). The amendment submitted directs that the application be amended to state that this application claims benefit to itself.

In view of the above, an ADS or amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(6), must be submitted.

The Power Attorney filed May 15, 207 is **not** acceptable, since the power is from an assignee but does not include the Certificate required by 37 CFR 3.73(b). However, in accordance with 37 CFR 1.34(a), the signature of Jeffrey S. Bergman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Bergman desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PETITION
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JEFFREY S. BERGMAN
OSHA & LIANG LLP
1221 MCKINNEY STREET, SUITE 2800
HOUSTON, TX 77010

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16740 HARDY
HOUSTON, TX 77032

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of
Zhou Yong, et al.
Application No. 11/601,029
Filed: November 17, 2006
Attorney Docket No. 04-STR62(1)

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition, filed November 29, 2007, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3672 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/601,029	11/17/2006	3672	1330	04-STR62(1)	5	4

CONFIRMATION NO. 4988

CORRECTED FILING RECEIPT

10395
SMITH INTERNATIONAL INC.
16740 HARDY
HOUSTON, TX 77032

OC000000027968725

Date Mailed: 01/29/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Zhou Yong, Spring, TX;
George B. Witman IV, Fort Worth, TX;
Carlos Torres, Houston, TX;

Power of Attorney: The patent practitioners associated with Customer Number 10395

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/737,597 11/17/2005

Foreign Applications

If Required, Foreign Filing License Granted: 12/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/601,029**

Projected Publication Date: 05/08/2008

Non-Publication Request: No

Early Publication Request: No

Title

Drill bit reservior with controllable relief pressure

Preliminary Class

175

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OSHA, LIANG LLP / SMITH
TWO HOUSTON CENTER
909 FANNIN STREET, SUITE 3500
HOUSTON, TX 77010

Mail Date: 07/15/2010

Applicant	: Zhou Yong	: DECISION ON REQUEST FOR
Patent Number	: 7665547	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/601,029	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **341** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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OFFICE OF PETITIONS

In re Application of	:	
Hite et al.	:	DECISION GRANTING STATUS
Application No. 11/601041	:	UNDER 37 CFR 1.47(a)
Filed: 11/17/2006	:	
Attorney Docket No. 126239-1027	:	
Title: INTERNET CONTROL SYSTEM	:	
COMMUNICATION PROTOCOL, METHOD	:	
AND COMPUTER PROGRAM	:	

This is in response to the petition under 37 CFR 1.47(b), filed July 16, 2007, which is being treated as a petition under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Aaron L. Myer
11942 September Cove
Sandy, UT 84092

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OFFICE OF PETITIONS

LETTER

In re Application of :
Hite et al. :
Application No. 11/601,041 :
Filed: 11/17/2006 :
Attorney Docket No. 126239-1027 :
Title: INTERNET CONTROL SYSTEM :
COMMUNICATION PROTOCOL, METHOD :
AND COMPUTER PROGRAM :

Dear Mr. Myer:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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NELSON MULLINS RILEY & SCARBOROUGH LLP
IP DEPARTMENT
100 NORTH TRYON STREET
42ND FLOOR
CHARLOTTE NC 28202-4000

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OFFICE OF PETITIONS

In re Application of	:	
Clark et al.	:	DECISION ON PETITION
Application No. 11/601,042	:	TO WITHDRAW
Filed: November 17, 2006	:	FROM RECORD
Attorney Docket No. 26401/09171	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 9, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Goran P. Stojkovich on behalf of all attorneys/agents of record who are associated with Customer Number 27530. All attorneys/agents associated with Customer Number 27530 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee of the entire interest, JELD-WEN, Inc., at the address indicated below.

There is an outstanding Office action mailed June 23, 2009 which requires a reply. Failure to timely do so will result in abandonment of the instant application.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JELD-WEN, INC.
3250 LAKEPORT BOULEVARD
KLAMATH FALLS OR 97601-1099

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/601,046	11/17/2006	Joon-Yeon Kim	58714/P849	6088

EXAMINER
CERULLO, LILIANA P

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

7590 11/04/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of
Kenneth GALL
Application No. 11/601,056
Filed: November 17, 2006
Attorney Docket No. **17970-0007001**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 10, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Paper No.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Ft. Collins CO 80527-2400

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SEP 24 2007

OFFICE OF PETITIONS

In re Application of :
Stasiak et al. : DECISION ON PETITION
Application No. 11/601,062 :
Filed: November 17, 2006 :
Attorney Docket No.100201188-5:

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.57(a)(3) AND § 1.182" filed March 14, 2007, requesting that inadvertently omitted drawing sheets be entered in the above-identified application and the application be accorded a filing date of November 17, 2006. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on November 17, 2006. However, on December 12, 2006, the Office of Initial Patent Examination mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. This Notice set a two-month period for reply, pursuant to 37 CFR 1.181(f).

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[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

In response, applicants filed this petition, with an accompanying petition and extension of time for response within the first month. Preliminarily, it is noted that the 2-month period for response to the Notice of Incomplete Nonprovisional Application is set pursuant to 37 CFR 1.181(f) and extensions of time under 37 CFR 1.136(a) are not permitted. Accordingly, the Office may process an application as incomplete when no petition is filed within the 2-month period. See MPEP 601.01(d)II. In this instance, the Office will exercise its discretion and the petition will be considered on the merits.

On petition, petitioner acknowledges inadvertently omitting the drawings with the application as filed. Petitioner requests that the drawings submitted on petition be explicitly amended into the specification, and that a divisional filing date of November 17, 2006 be accorded in accordance with either 37 C.F.R. § 1.57(a)(3) or § 1.182.

37 CFR § 1.57 provides that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> …(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

With respect to according this application a filing date, MPEP 201.06(c) provides that:

> In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.

A review of the application as filed reveals that it included both a claim for priority to and an explicit incorporation by reference of prior-filed application No. 10/309,608. Further, the petition includes authorization to charge the petition fee to a Deposit Account and a copy of the omitted drawings. However, the petition does not include an amendment submitting the omitted material pursuant to 37 CFR 1.57(a) or 1.182.

Nonetheless, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit inter alia:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

Given that the application is entitled to a filing date, no petition pursuant to 37 CFR 1.57(a) or 1.182 is required.

If applicant wishes to rely on § 1.57(a)(1)(or § 1.182) to enter the drawing figures, the petitioner must submit an amendment in compliance with §§ 1.57 and 1.121 (or §§ 1.182 and 1.121 as appropriate) within TWO (2) MONTHS of the mailing date of this decision. This period is not extendable. See 37 CFR 1.181(f), 37 CFR 1.57(f) and MPEP 608.01(p). This amendment will be considered by the examiner.

To the extent the instant petition requests a filing date of November 17, 2006 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 20-0100, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for:

- **according of a filing date of November 17, 2006**;
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and
- for issuance of a filing receipt.

Telephone inquiries concerning this decision may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Charles Pearson
Director
Office of Petitions

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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS, TX 75201-2784

Mail Date: 04/21/2010

Applicant	: John V. Veliadis	: DECISION ON REQUEST FOR
Patent Number	: 7667242	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/601,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/17/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **608** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WWW.USPTO.GOV

Paper No. None

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND OH 44114

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OFFICE OF PETITIONS

In re Application of :
Timur P. Sarac, Rajesh Khosla, :
David Halpern, and James Edward :
Barber :
Application No. 11/601,075 :
Filed: November 16, 2006 : DECISION ON PETITION
Attorney Docket No. CCF-7587NP- :
1 :
Title: APPARATUS AND METHOD FOR :
DELIVERING LINED INTRALUMINAL :
PROSTHESES :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed June 11, 2007.

On November 16, 2006, the application was filed, identifying Timur P. Sarac, Rajesh Khosla, David Halpern, and James Edward Barber as joint inventors. The application was deposited without

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1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. §1.63.

a fully executed oath or declaration. On December 12, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

The present petition was filed on June 11, 2007, along with a four-month extension of time so as to make timely this response.

The present petition cannot be accepted, as it **has not been signed**[2].

Consequently, the petition is **DISMISSED**.

It is noted in passing that the accompanying declaration of facts has been signed, but has not been dated.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[3], hand-delivery[4], or facsimile[5]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[6].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. All other inquiries

---

2 See 37 C.F.R. § 1.4 and MPEP § 502.02.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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Paper No. None

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

COPY MAILED
DEC 21 2007
OFFICE OF PETITIONS

In re Application of Timur P. Sarac, Rajesh Khosla, David Halpern, and James Edward Barber Application No. 11/601,075 Filed: November 16, 2006 Attorney Docket No. CCF-7587NP-1 Title: APPARATUS AND METHOD FOR DELIVERING LINED INTRALUMINAL PROSTHESES	DECISION ON RENEWED PETITION

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a)[1], filed October 30, 2007.

On November 16, 2006, the application was filed, identifying Timur P. Sarac, Rajesh Khosla, David Halpern, and James Edward Barber as joint inventors. The application was deposited without

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1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

a fully executed oath or declaration. On December 12, 2006, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

An original petition was filed on June 11, 2007, along with a four-month extension of time, and was dismissed via the mailing of a decision on September 4, 2007, which set forth that the petition could not be accepted, since it had not been executed.

With this renewed petition, Petitioner has met each of the five requirements of Rule § 1.47(a).

Therefore, this renewed petition is **GRANTED** and this application is hereby accorded Rule § 1.47(a) status.

As provided in Rule § 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. All other inquiries concerning the status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions

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2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUN MICROSYSTEMS, INC.
C/O DARBY & DARBY, PC
P/O/ BOX 770/CHURCH STREET STATION
NEW YORK, NY 10008-0770

COPY MAILED

JUL 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
GROHOSKI, et al.	:	
Application No. 11/601,115	:	DECISION ON PETITION
Filed: November 16, 2006	:	TO WITHDRAW
Attorney Docket No. **20910/0205377-US0**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 18, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **SUN MICROSYSTEMS, INC. C/O DARBY & DARBY, PC** has been revoked by the assignee of the patent application on July 3, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **OSHA LIANG LLP/SUN**
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/601,126	11/16/2006	2617	1000	6655P053D	10	3	1

CONFIRMATION NO. 5830

CORRECTED FILING RECEIPT

OC000000022137339

8791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 01/24/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Manuel Roman, Sunnyvale, CA;
Nayeem Islam, Palo Alto, CA;

Power of Attorney:

Edwin Taylor--25129
James Scheller Jr--31195
Lester Vincent--31460
James Thein--31710
Michael Bernadicou--35934
Michael Mallie--36591
Sheryl Holloway--37850
John Ward--40216
Kevin Shao--45095
Stephen De Klerk--46503

Domestic Priority data as claimed by applicant

This application is a DIV of 10/873,825 06/21/2004
which claims benefit of 60/482,669 06/25/2003

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/601,126

Projected Publication Date: 03/22/2007

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for resource sharing over handset terminals

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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